PROBLEMS OF CITIZENSHIP

HAYES BAKER-CROTHERS AND RUTH A. HUDNUT

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PROBLEMS OF CITIZENSHIP

BY

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AND

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To
OUR MOTHERS

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FOREWORD

For some time there has been a growing sentiment toward the establishment in the colleges of introductory courses to the social sciences. These courses have varied in treatment and scope, but in general they have attempted to interest the student in the social sciences, to stimulate his concern in the big problems of the day, and to arouse him to independent and constructive thinking.

The problem method has offered a vivid and successful means of accomplishing these objects. Problems of moment to intelligent citizenship are selected. Each contains in itself elements of history, sociology, economics, and political science, weighted according to the character of the problem. While an exhaustive discussion of the problems is impossible, enough material must be given to indicate their nature and importance, to show how streaked they are with bias, to present different points of view, and to increase the background of information from which the more advanced work in the social sciences may benefit. This necessitates a limitation of the number of problems and avoids one of the greatest dangers of a problem course—attempting to cover too extensive a field in too superficial a way.

The selection of questions of immediate concern, questions discussed in newspaper and periodical, places the student on ground with which he is in a degree familiar. Few persons enter college without some opinion or interest in regard to such questions as race and immigration, the relations of capital and labor, or war and peace. In a problem course this interest is capitalized. Clash of opinion is secured through the controversial nature of the problems. Class-room discussion is provoked. The student is asked to examine many points of view, to discard prejudices, to think for himself, and to form his own opinions after studying the data and considering the opinions of others.

Four years of teaching experience in a problem course has shown that of all the questions considered the woman movement is accorded the least measure of tolerance. Persons willing to examine the aspirations of the Negro, the laborer, or the radical desiring to change the existing political and economic system, are often unwilling to consider the feminist's point of view in the same unprejudiced spirit. Possibly this is partly due to the fact that the woman movement is a subject ordinarily neglected in school and college. It also bears such a close relation to the life of

every individual that it becomes involved with his personal comfort and prejudice. He finds it difficult to regard this movement in the same detached and impartial way in which he views a problem more remote from his every-day existence. This situation is not peculiar to the woman movement. In the consideration of practically every question some one element or group of elements intimately concerned reacts violently to certain of the ideas expressed, for instance the Southerner to the desires of the advanced Negro, or the conservative capitalist to the aims of the radical laborite. It is the breadth of the woman movement, affecting as it does the life of every one, which makes this prejudice more widespread and extreme. Considering the scope of the movement, the vital changes it has made and is making, and the extent to which it enters into all other problems, the authors believe that a comprehension of its underlying causes and purpose is essential. For this reason it is treated from the feminist standpoint.

The other questions discussed in this volume are universally recognized and accepted as problems of moment to every intelligent citizen. They have been selected both for their importance and for the representation they give to each of the social sciences. There has been an effort to present as many viewpoints as possible. Obviously the authors cannot be advocates of the many conflicting ideas. "Problems of Citizenship" is the outgrowth of materials developed and revised over several years in the Dartmouth College introductory course to the social sciences. It is the hope of the authors that it may meet the need of a text in introductory problem courses and may give the reader, in college and out, an understanding of some of our great modern problems, stimulating his interest so that he will not be satisfied with the account given but will seek additional and more comprehensive information. For his guidance, he will find bibliographical references accompanying each chapter.

Parts of the manuscript have been submitted to various persons for advice and criticism. While this has not been followed in all cases, it has proved of great benefit to the authors who in any event assume full responsibility for the content.

The authors are indebted to Dr. Robert E. Riegel, Secretary of the Course in Problems of Citizenship, Dartmouth College, for his helpful and willing coöperation particularly in the verification of certain materials and in connection with the bibliography in the compiling of which he has taken an essential and leading part. To Professor William A. Robinson, Chairman of the Department of Political Science of Dartmouth College, they express

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While a wide variety of material has been used in preparing the text, the authors feel especially indebted to the authors and publishers for the extensive use made of the following books and articles: "A Test of the News," by *Walter Lippmann*, and *Charles Merz*, with the assistance of *Faye Lippmann*, A Supplement to the New Republic of August 4, 1920; "The Negro in Chicago," by the *Chicago Race Commission*, The University of Chicago Press; "Public Opinion and the Steel Strike," by the *Commission of Inquiry, the Interchurch World Movement*, Harcourt, Brace and Company; the Americanization studies published by Harper & Brothers; "The Study of Organized Labor in America," by *George G. Groat*, The Macmillan Company; Chapter I of "Consumers Coöperative Societies," by *James P. Warbasse*, Alfred A. Knopf; "Freedom of Speech," by *Zechariah Chafee*, Harcourt, Brace and Company; "One Hundred Years of the Monroe Doctrine," by *David Y. Thomas*, the Macmillan Company; "American Diplomacy," by *Carl R. Fish*, Henry Holt and Company; and certain publications of the Woman's Bureau, the Department of Labor, the National Woman's Party, and the California State Board of Control.

H. B. C.
R. A. H.

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PROBLEMS OF CITIZENSHIP

I

THE NATION'S IDEALS

The United States was "conceived in liberty and dedicated to the proposition that all men are created equal." Before its advent as a nation, and for many years thereafter it was the haven of the oppressed of other lands. Its early inhabitants were willing to revolt against their mother country to fight for their independence in a war whose idealistic motive was the desire for self-government. In its international relations the new democracy, among a variety of policies, pursued three which might be termed dominant,—the policy of isolation from the concerns of Europe, the policy of non-interference by foreign powers in the affairs of this country, and later the policy of the open door and the integrity of China. During its early period of rapid growth and expansion, it was controlled by a spirit of individualism which in its more mature development is gradually giving place to the ideal of public interest.

These ideals have helped to develop the United States from a weak union of thirteen states concentrated on the Atlantic border and having less than 4,000,000 inhabitants to a strong union of forty-eight states stretching from ocean to ocean, having a population of 105,000,000 people, and occupying the position of world power.

The majority of these ideals had their inception in the motives which induced the early colonists to leave home and country, brave ocean and wilderness, to settle a new land. Political, religious, and economic oppression in Europe made them seek more freedom and greater opportunity in the new world. To the restless, dissatisfied, ambitious, and adventuresome, America came to be symbolized as the haven of the oppressed, the land of greater opportunity, the home of liberty, and the country offering the widest measure of self-government.

Self-Government

Colonial Period. The settlers of New England hoped to establish an ideal commonwealth in which they might set up their own

forms of religion and govern themselves according to their own ideas. While this desire for self-government did not motivate the settlement of all the colonies, it soon took root in American soil as it had in English. The colonists did not forget their heritage as Englishmen. Democracy, as we know it to-day, did not exist in either England or the colonies, but the ideal was present in both. It had a particularly good chance to flourish in the colonies. They were widely separated from the mother country and in them all men were more nearly on a plane of equality. With the exception of Pennsylvania, the colonial legislatures were divided into two houses. In general, the upper house was appointed by the crown; the lower house was elected by the people. At the head of colonial affairs was the governor. In the majority of colonies he also was appointed by the crown. Through their power to vote taxes and to obstruct the aims of the governor and the upper house, the representatives of the people exercised a wide control over their own local affairs. These were of more immediate and vital concern than the question of external relations which was wholly in the hands of the crown.

The germs of self-government were present at this early date, but the suffrage was restricted by property, religious, race, and sex qualifications. These effectively disfranchised a majority of the inhabitants who had no direct voice in the government. The vast bulk of the Negroes were slaves. There were many white persons bound for a certain period of time as servants. The women, as a class, had no share in the political life of the new settlements, and a portion of the free white males could not meet the restrictions placed upon the suffrage. Yet probably a comparatively greater number of the male colonists were enfranchised and had a wider measure of self-government than existed elsewhere. According to the viewpoint of the day, slaves, servants, and women had no place in political life. Small thought was given to the fact that they were disfranchised. Any agitation that did exist for an extension of the right to vote concerned itself, for many years to come, with free white male suffrage. The opportunities to advance and the ease with which land was acquired in most of the colonies gave the ambitious man a chance to acquire property and to participate, to some extent at least, in the political affairs of the colony.

As the years passed the colonies grew in population, acquired the comforts of civilization, and class divisions became more distinct. A small wealthy and economically dominant class in each colony drew more and more power into its own hands and had a

controlling voice in the colonial assemblies. It was against such class control almost as much as against the attempt of Great Britain to bring the colonies under more rigid imperial administration that the Revolution was fought. It was the radical element in practically every colony which pushed colonial resistance to its logical conclusion, complete independence. The Declaration of Independence reflects this double significance of the Revolution. The reasons which necessitated the revolt against Great Britain are there expressed. The rights of every man to liberty, equality, and self-government are there expounded.

The Constitution. With the successful termination of the Revolution, the people were faced with the difficult tasks of securing unity, instituting a stable government, quelling the disorderly elements released by war, and putting the country and its people on a firm economic basis. The idealistic spirit of the Revolution was replaced by the material facts of every-day existence. The questions of extending the franchise and giving the common people a wider measure of democracy gave way to the pressing need of imparting strength and meaning to the feeble confederacy called into being by the Revolution. For several years the states were bound together by the Articles of Confederation which placed most of the power in the hands of the separate states and made provision for a weak federal congress. It gradually became evident that a union bound together by such loose ties was a union in words only. It had no standing with outside powers. It was unable to aid the states in reëstablishing law and order and in promoting commercial and business prosperity. The propertied classes in particular were anxious for a strong central government to guard and advance their interests. It was largely through their instigation that the Constitutional Convention was called. The members of the convention were predominantly from these same classes. While they were undoubtedly desirous of giving the country the best possible instrument of government, they were influenced by their own interests and their own outlook on life. To have vested too much power in the masses would, they believed, be dangerous and ill-advised. It was wiser for men of property, position, and education to manage the affairs of the nation, for they were better fitted for the task. The Constitution represents a compromise between the ideal of a people's government held by the radical elements in the nation and the ideal of a government controlled largely by the upper classes held by the more conservative group. It likewise represents a compromise between the great and the small states and between those

people who believed in a strong state and weak federal government and those who upheld a strong central government even at the expense of state control. It provided for a tripartite sytem of government—executive, legislative, and judicial. These three branches were designed to check and balance one another so that no one of them would gain too great control. The executive power was vested in a president, the legislative power in a congress, the judicial power in a supreme court and inferior courts.

The people were not entrusted with the right to choose the President and Senate directly. An indirect method of election was provided. The executive was given wide powers but his control was held in check by Congress. That body was given the right to pass measures over his veto by a two-thirds majority of both houses. The Senate was intended to be a small select body in which all the states would be equally represented. Each state was allowed two senators. Not expecting the Senate to be chosen directly by the people, the authors of the Constitution intended that it should protect the minority interests of the upper class and offset the power of the people's body, the House of Representatives. The House was elected directly by the people and was expected to be particularly mindful of their interests. The most populous states were given a preponderance of representatives in the House. Each state was represented according to the size of its population. The judiciary consisted of a system of federal courts with a supreme court at the head. Its members were far removed from popular election and were appointed by the executive. They were expected to decide any cases arising under the Constitution. They came to serve as a sort of umpire between the state and federal governments, should the one infringe on the province of the other. All powers not expressly delegated to the national government by the Constitution and not expressly denied to the states were considered to belong to the states or to the people. This principle was later embodied in the tenth amendment.

The Constitution, when submitted to the states for ratification, met with much opposition. Large numbers of people in every state were opposed to ratification. In general it secured greater approval from the conservative and propertied classes than from the more radical groups. The vote of the state conventions held to consider its adoption was very close in several of the states. A change of ten votes in Massachusetts, six in Virginia, six in New Hampshire, two in New York would have prevented ratifica-

tion. North Carolina rejected the Constitution, and the authorities in Rhode Island would not summon a convention to consider it. Most of the states urged the addition of several amendments embodying the personal liberties which the colonists had enjoyed as Englishmen. They supported the Constitution with this understanding.

Finally ratified and put into execution, it was loyally upheld by the conflicting interests which directed their energies toward an attempt to gain control of the new government. From these elements the first political parties in the United States developed. The Federalist Party which held control down to 1801 represented the conservative, propertied classes who supported the idea of a strong central government. The Jeffersonian republicans who came into power after that time represented the more radical element which desired to give more power to the people, more to the states, and less to the federal government. They discovered, as have many other liberal groups since that time, that it is easier to talk reform than to execute it.

The Modern Period. It was not until 1820-1830 that the movement to abolish the suffrage restrictions in the separate states gained full headway. This movement was greatly aided by the democratic frontier states which at that time were becoming a determining factor in the nation's political life. The desire for a greater measure of self-government found expression when Andrew Jackson, a man from the masses, was elected to the presidency (1829-1837). After that time white manhood suffrage gradually became practically universal. Political control was no longer vested in the hands of the well-to-do and the educated but passed to a considerable degree into the hands of the people.

But the majority of the people were still disfranchised and had to submit to a government without their own consent. Women had no voice in the new democracy. Negroes were enslaved. A civil war had to be fought before the slaves were freed, made citizens, and enfranchised. Even to-day, the suffrage qualifications in most of the southern states effectively prevent the great mass of colored people from voting. A great non-military struggle lasting almost a century was necessitated before suffrage qualifications based on sex were abolished in all the states by the nineteenth amendment. Even to-day women are not effectively represented by members of their own sex in the national and state governments.

The constant widening of the suffrage was accompanied by

greater popular control over the election of president and senators; direct primary elections; and the initiative, referendum, and recall. These devices were designed to correct some of the evils incident to a democratic government manipulated by a political machine. The primary election takes the place of the indirect nominating convention which offers an excellent opportunity for corrupt politicians wholly to control the nomination of candidates for office. It gives the people a more direct voice and a wider choice in the election of officials. The initiative, referendum, and recall are intended partly to solve the question of misrepresentation. They permit the people more effectively to share in their state, city, or town governments. The initiative allows a certain proportion of the voters to propose laws which the state officials with or without the intervention of the legislature must submit to popular vote. If the necessary popular vote is obtained the measure becomes a law. The referendum permits a small percentage of the voters to demand that any statute passed by the legislature, with certain exceptions, be submitted to the electorate and approved by a stipulated majority before it takes effect. The recall enables a certain number of voters who are dissatisfied with the conduct of a public official to compel him to stand for a new election and submit his right to continue in office to the decision of the electors. This usually applies to elective officials only. Through these devices and through the wide suffrage more of the people to-day have a share in the government than ever before.

The Part Played by the Newspaper. Effective participation in public affairs necessitates an enlightened public opinion. The most timely purveyor of information concerning national and international happenings is the newspaper. It brings to the attention of every individual the news concerning his government, the conduct of his nation in the handling of internal and external problems. It may be called the voice of the nation. While the paper may be loath to assume such a responsible rôle, the fact remains that it is largely through the daily journal that the average individual keeps in touch with his government and the everyday occurrences of modern life. It is this journalistic organ that is instrumental in shaping his ideas concerning men and events. Indeed the paper is the only means within the reach of the great body of people by which they can keep informed on current topics. Unless the paper is impartial and authentic, the great mass of citizens will be misinformed and unfitted to carry on their own government intelligently. The newspaper has many

faults, most of them very human faults. How to make the press into a moderate, accurate, and unbiased news bureau remains a question. It is a problem closely connected with the problem of self-government. A greater danger to the development of the ideal of self-government lies in the abridgement of those other ideals, liberty and equality of opportunity. With the growth of big business, the disappearance of the frontier, and the widening of class divisions these ideals are in danger of losing their significance in American life.

Liberty

The complement of the ideal of self-government is the ideal of liberty. To govern themselves, a people must be free. To have an elastic and useful government, they must have the right to express their thoughts and opinions. The ideal of liberty was one of the motives which inspired many of the early colonists to seek America. They found here a wider measure of freedom than in the old world. They could establish their own forms of religion. They had a better opportunity for self-government. There were fewer social distinctions or restraints. There was always the opportunity for the adventuresome to shake off community restrictions and push forward in an attempt to conquer the wilderness.

Despite the freedom of a kind which the colonists found in the new world, they were ruled by a stern mistress. Disobedience to nature's laws meant death. They were not free from hardship and danger, though the years brought increasing immunity from these foes. As Englishmen, they carried with them a heritage of a continued struggle for freedom. The concessions which had been wrung from reluctant kings were insured the colonists in the charters which granted them the right to settle in the new world. But the struggle was not ended, the colonists continued to strive for greater liberties. This desire for liberty, the wish to maintain their right to self-government, and other more material motives induced them to declare their independence of England and to fight the Revolution. It was the continued agitation for these ideals on the part of the idealistic and radical elements of the people that compelled the more conservative element to write them into the Constitution. The amendments, among other provisions, forbade Congress to make any law abridging freedom of religion, of speech, and of the press. They stipulated that every person should have a right to a fair trial by jury with

counsel and witnesses and should be secure in his person and property.

The two principal abridgements of these liberties occurred in 1798 and again over a century later in 1917 and 1918. The Alien and Sedition Acts of 1798 were passed at a time when war with France seemed imminent. The first gave the President authority to expel certain aliens who might prove dangerous to the nation's welfare. The second, in addition to other things, made it a crime to publish libels against the administration. The acts met with much popular opposition. They were one of the causes of the downfall of the Federalist Party which was responsible for their enactment. The Espionage Act of 1917 and 1918 and the Deportation Act of 1918 were likewise enacted at a time of stress and excitement. The United States had entered the World War on the side of the Allies. There was a rather general fear of possible disloyalty on the part of our large foreign population and of the activities of the radical organizations which had sprung up throughout the United States. The espionage acts effectively restricted freedom of speech and of the press and indeed made punishable any derogatory criticism of the government. The deportation act made all aliens considered dangerous to the United States because of their political beliefs subject to deportation. Under these acts many persons were imprisoned and others deported. Many of the states copied the example of the federal government and passed similar laws limiting the liberties of their citizens. The states like the federal government had provisions in their constitutions protecting such liberties, but these provisions were held to be relative in character and not unlimited.

The new acts like the earlier measures met with much criticism. Many thoughtful people recognized that the ideal of self-government was endangered by the abridgement of the rights of free speech and free publication. If the people are not permitted to criticize and if need be condemn, the government ceases to be a government of the people, for the people, and by the people. The people have no longer the right of self-expression. The criticism may be only that of a minority. It may be worth while or it may be valueless. But expression of many diverse opinions is necessary to ascertain the will of the majority. Even after this will has become evident, if minority opinion is suppressed, all the people are not represented in the government. Without free expression of ideas, however disagreeable to accepted beliefs, progress, liberty, and democracy are threatened.

Suppression of liberty goes further than the enactment of re-

pressive laws. It is especially evidenced in industrial struggles where the workers are denied the rights of assemblage and free speech and are subjected to arbitrary treatment by officials controlled by the wealth and power of the dominant class. On the other hand large numbers of people who in the past had no liberty are at present in the process of securing freedom from sex and race oppression.

Women, who constitute approximately one-half the citizens in the United States, have within recent years attained a place as individuals with some share in the life and ideals of the nation. Since the middle of the nineteenth century they have been slowly emancipated from the sex handicaps which reduced them to the position of inferiors with lesser rights and opportunities than men. But the majority of women have not yet secured the freedom, the wide opportunity, choice of occupation, economic independence, and legal advantages enjoyed by the other sex.

Over 10,000,000 of our citizens suffer from similar inequalities because of their race. The slaves when they were granted freedom did not receive any guarantee of equality which public opinion was ready to enforce. To-day color determines to a very wide degree a man's social position, his chances in economic life, his share in the government. Until recently we made no very concerted effort to make our ideals of self-government, liberty, and equality of opportunity effective for women and Negroes. Sex and race stood as barriers to much that was pleasant and worth while in life. But these handicaps are becoming less. While the woman problem and the race problem have not yet been solved in conformity with American ideals, they are at least recognized as problems and efforts are constantly being made to effect a solution compatible with American democracy.

But these efforts do not bring back the loss of liberty which comes from an abridgement of that other ideal, equality of opportunity. This encompasses both the ideals of self-government and liberty. The right of free speech, of free publication, and of assemblage is a precious right; freedom from sex and race dominance is still more valuable to great numbers of individuals; but neither of these will bring a satisfactory measure of liberty and self-government without the ideal of equality of opportunity.

Equality of Opportunity

The Absence of Class Divisions. To the early colonists America stood symbolized as the land of opportunity. To the New

Englanders it offered a chance to practice their own religion under a form of local self-government. To the Virginians it gave increased economic opportunities. It gave a new start and a new chance to make good to the debtor, the religious non-conformist, the ambitious, and the man who had transgressed against society. At this early date and even after colonial social life had had a chance to develop, there was a greater measure of equality in the new world than elsewhere. The first settlers were located in small communities. The establishing of a settlement required hard work and few were exempt. With a small number of persons all interested in making a livelihood and in protecting themselves against hostile Indians, there was little chance for class divisions. Even after the population increased, dangers and hardships lessened, and moneyed and propertied groups developed, there were not such wide class divisions as existed in Europe and there was no nobility. Indeed the desire to prevent the development of such a class in America was so strong that it was expressly forbidden by the Constitution.

The Influence of the Land. The leveling of the classes was aided and maintained by the great amounts of land. This enabled the ambitious man to become a property owner at little expense other than his willingness to contribute his physical labor to the task of clearing the land and building his home. The land in fact formed the basis of that equality of opportunity for which this country has been idealized. It could be obtained at little or no expense. Attempts to charge other than nominal fees were ultimately thwarted by the fact that immigrants went where the land was cheap and conditions of land tenure favorable.

During the time of the Revolution, the conflicting claims of the thirteen original states to the territory west of the Alleghany mountains induced them to effect a compromise. By common consent this vast expanse of woodland and prairie stretching from the Alleghanies to the Mississippi and from the Spanish province of Florida to the Great Lakes was to become the public domain of the federal government. The United States later acquired by purchase and conquest possessions extending from ocean to ocean and encompassing, exclusive of Alaska, some 3,000,000 square miles.

At first the new nation looked upon its land as a means of ridding itself of debt, and for several years it was sold in great tracts to wealthy companies and individuals. This policy worked a hardship on the actual settlers who were compelled to buy more land than they wanted at prices higher than they could afford to

pay. The system was gradually changed and finally abandoned. The price of land was lowered and the amount which any individual was required to take up was reduced. The actual settler, his interests and capacity to pay became the first consideration of the government. In 1852, the Free Soil Party included the issue of free land in its party declaration of principles. After ten years of agitation, this principle was embodied into law. The Homestead Act of 1862 provided that any citizen who cultivated his land and resided upon it for a term of years should be given a title to it practically free of charge. Under this law large amounts of land were taken up and settled.

Influence of the Frontier. The ease with which land was acquired in the new world served as a constant incentive to further settlement. Up to the early eighties America was never without its frontier communities where conditions were primitive. The frontiersmen, like the early colonial settlers, were grouped in small settlements and were engaged in a type of work which precluded class divisions, encouraged democracy, and promoted the physically and mentally fit to positions of leadership. These frontier settlements served constantly to stimulate the ideals of self-government, of liberty, and equality of opportunity. Here the people, widely separated from the seat of government, actually governed themselves. Here every man who was physically fit had an equal opportunity with every other man. Here a man felt a greater sense of liberty, though his personal freedom was actually strictly limited by the laws of nature. The reaction of these frontier fringes of society upon the more settled American life was salutary. These cruder, freer, and more democratic groups kept American ideas from crystallizing and helped to develop the nation's ideals.

Influence of Education. In these settlements as in the more civilized communities, the ideal of equality of opportunity was pursued in the developing educational policy. This desire for education can be traced back to the early Puritans who sought for religious reasons to provide at least a minimum of instruction for all children. In 1647, the general court of Massachusetts issued an order which laid down the basis of the common school system of the province. This order projected the essentials of our modern public school system—a primary school to teach the rudiments of education, a secondary school to prepare for the university, where training could be received in the higher branches of learning.

Through such a system, the amount of illiteracy is steadily

being reduced in the United States. The great mass of the inhabitants receive at least a working knowledge. The bulk of children attend the public rather than the private schools. The intermingling in work and play of many different classes and nationalities serves to promote that democracy of spirit for which our country stands. This same spirit is evidenced in the higher schools of learning. There are many ways in which the ambitious student can earn his way through the university. He suffers no loss of social prestige because he is less fortunate than his wealthier comrades. But despite the opportunities enabling the impecunious to attain a college training, it is actually only the minority who are sufficiently free of family responsibility or have the time, money, or ambition to graduate from the high schools. It is a still smaller group which attends the universities. The people in practice have never enjoyed equality of opportunity in education, without which they cannot have equality of opportunity in economic, social, or political life. Education advances a man's chances for promotion in business, industry, and politics. It is only through education that the people are fitted to govern themselves. It is only through equal educational opportunities that a reasonable measure of the ideal of equality of opportunity can be obtained. A free education extending through the university and a wide franchise including practically all white men and women do not meet the issue. While great inequalities in wealth exist, the majority will be unable to enjoy a higher education. While educational and economic barriers stand in the way, there can be no practical working out, even for the mentally fit, of the ideal democracy, a government of, for, and by the people. For the mentally unfit of which there are large numbers the question is still more complex. Neither education nor a more equitable division of property will rouse them to intelligent participation in public life and make the ideals of self-government, liberty, and equality of opportunity effective for them.

Influence of Inequality in Wealth. The decay of the ideal of equality of opportunity as it affects the economic life of the people was accompanied by the gradual disappearance of free land. Up to the closing decade of the nineteenth century, land continued to be plentiful and the United States was predominantly an agricultural nation. Since that time, it has been more difficult and more expensive to secure good farm land. The fourteenth census was the first census to show the majority of people resident in urban rather than in rural communities.

The former abundance of free land and the lack of capital at

low rates of interest account for the slow development of the industrial system and its attendant problems in this country. There was no serious labor unrest, for the dissatisfied worker could always go on the land. The early industries were small and the laborer and employer were in close personal touch. While labor unions existed and strikes were not unknown, they were comparatively speaking sporadic affairs. It was not until the period after the Civil War that business began to develop on a large scale. Consolidations took place; corporations and trusts were formed. There was a greater demand for labor. The abundance of free land was bound to be exhausted in time. By 1890 the land no longer offered the same solution to the restless worker. There was less personal touch between employer and employee. Property was less dispersed among the people and was becoming concentrated in the hands of the few. A great laboring class was developing and with it the need and desire for strong labor unions to offset with numbers the wealth and power of the employing group. Strikes and labor disturbances of all kinds were more prevalent. The dividing line between the employing class and the laboring class, once faint and easy to cross, was now becoming distinct and served as a barrier to progress. The opportunities of the two groups were not in any sense of the word equal. The group which controlled the nation's resources and wealth also had a dominant voice in the control of the nation itself. Yet class control, whether by capital or labor, is incompatible with the three great ideals, self-government, liberty, equality of opportunity. To maintain these ideals, some way must be found to secure a more equitable division of the nation's wealth and to devise a scheme by which the people and their group interests can be more effectively represented in the political life of the nation.

The Haven of the Oppressed

It is these very ideals, endangered by the new economic problems confronting the nation, which have inspired the bulk of our immigration. America to the immigrant was the land of opportunity. Here he expected to advance his economic interests, to attain a wide measure of that freedom for which man has ever striven, to have a share in the government of his adopted country. Above all America came to be symbolized as the haven of the oppressed. Here the Separatists, Puritans, Quakers, Catholics, and other religious groups

found freedom to practice their own religions without oppression. True, the early settlers were not always tolerant of persons professing a different religion from that of the group, but such persons could establish communities of their own. Later a wide measure of religious tolerance was granted in America with the result that the religiously oppressed have ever here sought refuge. Political and economic oppression were responsible for two great waves of migration occurring in the nineteenth century. The Irish, to avoid starvation, were compelled to leave their native land. The Germans, dissatisfied with the arbitrary government in their own country, came here in large numbers after the unsuccessful revolutions of the thirties and forties. For years the Jews migrated to escape the oppression which for racial reasons they were forced to endure in the old world. The more recent immigration from southern and eastern Europe is animated largely by the economic need or desire to seek better conditions and greater opportunities in America, the land of opportunity.

The idea that America was the haven of the oppressed, originating in the motives which made many of the early colonists seek the new world, dominated our immigration policy for many years. It was not until 1882 that Congress realized the necessity of abridging this ideal to protect the people already here. At that time convicts, lunatics, idiots, and persons likely to become public charges were excluded. Since that time a long list of other undesirables have been added to the debarred classes. While America was still the haven of the oppressed, it was necessary that the oppressed be sane, healthy, moral individuals. In 1917 a further restriction in the form of an illiteracy test was imposed, but the traditional ideal was protected by express exemption of persons coming here to escape religious or political oppression. In 1918 our sentiment toward our foreign elements suffered a change. Engaged in a great war, we feared a possible danger from the large groups of aliens resident in this country. The result was the passage of the Deportation Act of 1918 which subjected many persons to deportation because of their political views. A paradoxical situation was thus created. America, the haven of the oppressed, was ejecting individuals who must seek a haven elsewhere. This anti-foreign sentiment was further exemplified in the Immigration Law of 1921. While this law was passed mainly for economic reasons, the rather wide-spread distrust of radicals and of foreigners, as potential radicals, was one of the factors in its passage. With this act our immigration policy became one of restriction rather than of selection.

Since its passage only a limited number of individuals from every country are permitted to come into the United States annually. Among this number there are doubtless many who have left their native land to escape some form of oppression. In this sense America is still the haven of the oppressed, but to-day the ideal is restricted. There are many who may for various reasons seek the haven only to be turned aside.

The Ideals Connected with Our Foreign Policy

Policy of Isolation. While the United States has, by and large, pursued a broad and generous policy toward the emigrants from other lands and has welcomed them to her shores, she has taken quite a different course with the powers whose subjects they are. In her relations with the European nations she has followed two general policies. She has expressed her intention of refraining from interference in the affairs of Europe. She has asked that the nations of this hemisphere be permitted to work out their experiment in democracy without interference from outside powers. The policy of isolation from European affairs was first put into practice by Washington. He wisely refused, in spite of pressure from two political parties, to involve the United States in the European wars then raging. Instead he determined on a position of neutrality. Later in his farewell address he gave his policy expression when he said: "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little *political* connection as possible." This advice of Washington has been expanded and clarified. It has served as a means of preserving peaceful relations with the European powers. We have followed it with fair consistency, though on occasions we have found the policy impossible to maintain. We have been forced to take part in both world wars occurring since the birth of our nation. In the Napoleonic wars we were twice drawn into the conflict. The first time the conduct of France compelled John Adams, then President, to sever diplomatic relations. The second time we declared war on England because our rights as neutrals had been consistently violated. In both instances we acted alone and made no alliances with the other powers involved. During the World War we found the position of a neutral again untenable and entered the struggle on the side of the Allies. Science and invention have considerably changed the world since Washington's day. At that time our actual physical separation from

Europe made a policy of isolation natural and comparatively easy to carry out. But with all our geographic advantages we could not wholly keep out of a war involving the civilized world. To-day the policy is still more difficult to maintain. We are increasingly affected and concerned by the affairs of other nations. It is a question whether it is either possible or wise to continue our adherence to the traditional ideal.

Policy of Non-interference. The idea of keeping apart from the affairs of Europe is closely bound up with our second policy, non-interference by European powers in the affairs of this hemisphere. The two ideas are expressed together in the Monroe Doctrine. In which we say in effect: "The United States has ever minded its own business and refrained from meddling with the internal concerns of the European powers. It therefore requests that the European powers pursue the same policy toward the countries of this hemisphere." The Monroe Doctrine has had two results. The United States has benefited, for it has successfully prevented any strong power from intrenching itself in Central or South America and has thus secured its own peace and prosperity in this hemisphere. The smaller American nations have been protected and permitted to develop their own institutions without serious encroachment by any European nation. But they have sometimes questioned whether, in warding off other nations, the United States has not been prompted by a desire to have a free hand itself. While the conduct of the United States has on occasions justified their suspicions, on the whole, it has taken little unfair advantage of its position of supremacy.

Policy of the Open Door. The third international ideal of the United States is the policy of the open door. Like the Monroe Doctrine, this policy is both selfish and generous. If carried out it insures to the United States equal trade and commercial opportunities with other nations. It shows other nations that the United States is non-aggressive and willing to share equally the opportunities afforded for trade and commerce by the opening up of unexploited countries. It has most often been applied to international relations in the Far East. With it has developed the policy of insuring to China her sovereignty and territorial integrity.

The policy of the open door like the other two policies was partly inspired by a desire to maintain peace with the great powers of the world. By giving equal economic opportunities to all nations, it was expected that there would be less rivalry

and less danger of any power seizing undue trade or commercial advantages and thereby provoking a war.

Individualism versus Public Interest

It might be said that the nation has, by and large, pursued a policy of individualism in its relations with other nations. It has as far as possible stood alone. It has considered its own interests first. It has been self-reliant and self-sufficient. The same spirit of individualism has marked its people. The development of the country fostered such a spirit. Since early colonial days down to 1881 there has always been a frontier settlement. The primitive life of the border kept alive the spirit of individual rights, individual achievement, independence, and ruthlessness which were characteristic of the frontiersman. Its influence permeated American life. On the frontier it was a question of the survival of the fittest. In business life each man was for himself and the weak were exterminated. The spirit also grew out of our ideal of liberty. It was thought that in a democracy each man had a comparatively equal opportunity and should be allowed to work out his destiny unhampered by government interference. For white male citizens who actually had to a reasonable degree the three essentials, self-government, liberty, and equality of opportunity, the principle of individualism worked comparatively well. An agricultural society, where plenty of land was always available and the ambitious and industrious man could always get ahead, where there was a republican form of government and a fair degree of freedom, was the best ground for the success of the doctrine. But for those classes who did not enjoy the factors which were supposed to accompany individualism—liberty, equality of opportunity, and self-government—it was a failure. It was not this doctrine which promoted the welfare of women or Negroes. It was not this principle which cared for the weak, the sick, or the indigent. It was another, the theory of public interest, which is becoming increasingly necessary to all classes of people.

America is no longer predominantly an agricultural nation. Individualism, which works comparatively well when the three ideals of democracy are present, itself helps to destroy these ideals in a highly industrialized society. In such a society labor does not and cannot have equality of opportunity with capital. Free competition between these two classes reduces the one to the position of wage slaves and permits the wealth and resources of the nation to become concentrated in the hands of the other.

Labor itself early became aware of this fact and in unions attempted to meet the competition of wealth and power by numbers. The public later showed its recognition of the situation by promoting legislation intended to prevent great industrial combinations, to protect women and children in industry, to require certain safeguards against accidents and against unsanitary conditions. The action of the workers in unionizing and the passage of such laws were looked upon by some of the strong adherents of laissez faire as unwarranted interference with an individual's liberty of action. These persons failed to realize the impotence of one laborer in the modern industrial system. They did not recognize the fact that freedom from government interference exists only in theory. Actually the government has interfered and must continue to interfere in each individual's life if it is to be a government. It is the government which maintains property rights, which protects and insures to a man his possessions. It is the government which maintains order and which makes and executes the laws. It is the government which restrains a man from injuring his fellows. It is the government which protects the weak from the strong. It is the government which drafts men into military service without consideration for their wishes. It is the government whose free land policy gave the land to the people and helped to sustain and develop the nation's ideals. It is the government which set up high tariffs and placed the nation's resources in land, lumber, and mines under private control, thereby helping to develop industry. It was this protection given by the government and the enormous concessions it made to private enterprise which developed the giant industries of the twentieth century. It scarcely behooves the beneficiaries of such interference to object when it is directed toward the benefit of other groups. Government interference may work harm and it may work good. When it takes the form of giving greater liberty and greater opportunities to certain classes, prohibiting certain practices injurious to the public welfare, promoting the safety and health of the people, it represents a developing public opinion in favor of the new ideal, public interest, as against the old ideal, laissez faire.

Public Interest, the Fulfillment of Other American Ideals. Traces of this developing opinion can be seen in the history of each of the great American ideals. In our relations with other countries we determined on certain policies not only to advance the fortunes of the nation and of its citizens but to maintain peace in the interest of all the people. We abridged our ideal of

America, the haven of the oppressed, with the intention of promoting the physical, mental, moral, and economic welfare of the people already here. In our desire to secure a wider measure of self-government for all the people, we extended the suffrage, made the election to certain offices more direct, and adopted various devices to permit the people more effective participation in the government. To secure to the people their personal liberties, these liberties were embodied in the state constitutions and in the first ten amendments of the Federal Constitution. The slaves were emancipated; a wider measure of freedom was extended to women. Laws were passed intended to protect the health, prosperity, and happiness of the public. In this way freedom from disease, worry, and unhappiness was brought to a greater number of persons. To attain that other ideal, equality of opportunity, children up to a certain age, varying with the different states, were required to attend school and were provided with free educational facilities. The land was opened to the public and for a long period of time any ambitious man could own a farm. After years of agitation the ideal which had embraced only the male sex was gradually applied to the female.

Thus, while the theory of individualism was still dominant, the theory of public interest was active in bringing about reforms and advancing the interest of continually larger groups of people. With the passing of the nineteenth century and the development of industry on a large scale, new complications have arisen which threaten to undermine our American ideals. These necessitate a wider use of the theory of public interest as do those other problems of sex and race equality which are as yet unsolved. How the interest of all the people can best be secured remains the great question of the day. It will not be answered by government action unless the government is truly representative of all the people and their interests and is free from class domination. It will not be answered by political changes unless such changes are accompanied by an education and training of all the people to the appreciation of the welfare of all. The answer to this question will bring to every individual a wider realization of those fundamental ideals of a democracy, self-government, liberty, and equality of opportunity. Its broader application to international relations may involve a departure from our policy of isolation. Through greater participation in the affairs of the world, we may perhaps promote that world ideal, essential to an international application of the theory of public interest, Peace.

II

THE NEWSPAPER

Connection Between Government, Press, and People

A democratic government is the machine by which the people manage national and international affairs. To do this successfully, they must be well informed and intelligent. On the newspaper falls the task of keeping the public informed. Through its eyes the individual views the world. Influenced by a journalistic medium, he receives ideas and forms opinions of great modern problems. The impressions thus acquired are directly manifested in the government. Press, government, people interact on each other. Both government and press are ultimately dependent on the people. The government must use the press to reach its citizens. The press must use the government to secure the political news demanded by its constituency. If the majority of people receive the bulk of their knowledge of world events from a daily journal, if that knowledge influences their vote and their vote influences the government, then the press is indispensable to both people and government. It becomes the monitor of public opinion by which the machinery of the nation is vitally affected.

The newspaper was at first a single sheet given over to comment and gossip, reaching only the neighborhood group. As such it did not have the important position it occupies to-day. During and immediately following the Civil War an individual made and dominated his own paper. James Gordon Bennett founded the New York *Herald*, and as editor controlled its business and news policy. Horace Greeley did the same for the *Tribune*. Edwin T. Godkin, as editor-owner, in like manner controlled the New York *Evening Post*. The period of editor-owner ended about 1900 with the death of Dana and Godkin. Since then the tendency has been away from the newspaper which reflects a particular individual towards that which represents a group; away from one man ownership to consolidation. The vastly increased cost of maintaining the papers has been in part responsible for this movement and has resulted in a reduction in the number of dailies. Forced by business considerations, con-

solidations have taken place with the result that many cities have been left with but one morning paper.

The city daily has become a mammoth sheet printed in multiple editions that must be turned out in the shortest possible time. The plant is so costly that the modern newspaper demands a large capital. The editor is no longer the owner, for he has not and cannot command the money necessary to start or buy a paper. The paper is ordinarily a business corporation controlled by one or more financiers who want their investment to pay the best profits possible. They proceed to run the enterprise in accordance with general business ethics. The editors are salaried men. They are often selected because their ideas accord, in the main, with those of their employers. They may put their consciences and ideals into their work, they may help to mold the paper's course, but, consciously or unconsciously, they conform in general to the characteristic policies of their paper. The tone of the editorial is reflected in the news columns. The average reporter is guided by the action of his superiors. He helps to build the paper's personality. In carrying out this purpose he in turn may color the news or neglect some of its aspects. Actuated by the usual human desire for promotion, he hesitates to oppose his paper's known policies, the interests controlling it, and the generally accepted beliefs of its readers.

The paper's policy is usually in accord with the beliefs of its subscribers which are strengthened by the material contained in its columns. Many of the faults of the press are directly due to the people and vice versa. The two react on each other. It is hard to determine where the responsibility of the one ends and the other begins. This interplay of press on people, people on press, owner on editor, editor on reporter, accounts for many of the shortcomings of the paper. To be successful and continue in business it must effect sales and secure advertising. It cannot do this unless it meets the demands of its customers. If they dislike news and opinions controverting accepted theories, the paper cannot be entirely blamed for suppressing such material. If they enjoy sensation, gossip, comic, and picture supplements, it is not altogether the paper's fault that it panders to their desires. It must meet competition. If it does not give the people what they want, some rival paper will.

Need of Reform and Possible Suggestions as to the Course Such a Reform May Take. Conducted like the ordinary business enterprise, the paper has a far greater mission. Its influence parallels that of the school, the church, the government; yet

unlike these it is controlled by private enterprise. Its responsibility and power are so great that its faults become correspondingly serious. Suppression and distortion of news, attempts to shape and control public opinion are hazardous experiments in a democracy. We cannot have a "government of the people, by the people, and for the people" if the voice of the nation does not or cannot give the people the truth. While the people are themselves in a measure responsible for the paper's remissness, this fact does not justify any paper for failure to report the news in an impartial manner. Yet it is doubtful if a reform of the press without a reform of its readers will be successful. The basis of such a reform is tolerance. The paper must divest itself of biased opinions and preconceived ideas. It must be ready to tell the truth, however disagreeable. The people must be willing to follow the same course; the ordinary man must do more than protest his love of free speech. When he favors such an ideal not only for himself but for his opponent, we shall have tolerance. With tolerance will come a demand for the truth. This will become the ideal of the press, then the organ of an enlightened people. It has been suggested that such a condition may be accompanied by certain reforms. Journalism will become a profession requiring the high degree of education and training demanded of other professions. The student reporter will be taught to recognize evidence, to discount bias, to sift the true from the false. The news will perhaps be passed upon by a "journalistic judiciary pledged to tell the truth with the same scrupulousness that a judge is pledged to administer the law and hold the scales of justice even." Laws will be instituted to punish newspapers violating the truth and provide for immediate retraction of false statements. A retracted statement will have to be given the same prominence as the original falsehood. Intelligence bureaus, competent to collect and furnish data, may be established. These will place at the public's disposal reliable information concerning government departments, social, political, and business organizations, and problems about which it is now difficult to ascertain the truth. The newspaper will find such bureaus a great practical aid to reliable and complete news reports.[1]

Fallibility of Newspapers. It will doubtless take some time to effect such reforms. In the interim the reader must accept the paper as he finds it. It is the necessary medium through which he views the world. It therefore behooves him to read his paper with a critical eye, to accept questionable statements with hesita-

[1] Lippmann, Walter, "Public Opinion," pp. 379-397.

tion, and to protest any flagrant distortion. He can learn to discount both the conscious and unconscious efforts of his paper to make him think and act along certain lines. To do this he must bear in mind its possible partisan character, make allowance for known prejudices, learn to recognize the type of news articles, and to subject the news to certain tests.

The fallibility of the newspaper soon becomes evident to the discerning reader. It may suppress or distort news to favor certain important financial interests, to support its own policies, to influence its readers. It may find it difficult, expensive, or economically unwise to undertake the investigation which may prove necessary to a complete report of an event.

The Newspaper and the Advertiser

The financial interests especially affect the paper through its advertising. The enormous growth in the volume of advertising is one of the outstanding features of the modern press. The early dailies in comparison carried few advertisements—occasional legal notices, appeals for the return of a runaway slave, announcements of a house for sale. Prior to the Civil War the largest advertisement appearing in a newspaper was said to be published in the New York *Tribune* at the cost of $3,000. In 1909 twenty department stores in New York City were reputed as spending $4,000,000 a year for advertising.[2] The census for 1921 showed the receipts for the year for all newspapers and periodicals in the United States to equal $278,006,382 for sales and $528,299,378 for advertising. The inclusion of periodicals in these figures probably lowered the comparative amount spent for advertising. Statistics secured for seventeen newspapers averaging 8,200 copies showed the amount received from advertising to be two or three times that received from sales.[3]

It is obvious that advertising is a far greater source of revenue for the newspaper than sales. For this reason the paper is anxious to keep and secure the widest range of advertisements possible. It combines with its sale of the news the sale of publicity. This combination has advantages for paper, advertiser, and reader. It increases the paper's revenue. It enables the advertiser to reach the greatest number of persons. It permits the people to buy their news more cheaply, to receive comprehensive information concerning goods offered for sale.

2 Holt, Hamilton, "Commercialism and Journalism," pp. 10-13.

3 Harris, E. P., and Hooke, F. H., "The Community Newspaper," pp. 237-238, footnote.

While advertisements have become an important part of every paper, they are not as essential as a wide circulation. Without readers the paper loses its reason for existence. Its advertisers withdraw their patronage. For these reasons there is perhaps less suppression of news in the interests of advertisers than is sometimes supposed. Advertising or other big business enterprises may temporarily effect a muzzling of the news. This is particularly true when the paper concerned is not strong enough to withstand their pressure. If the public becomes cognizant of the situation the paper declines in popularity. Certain Philadelphia papers have suffered such a loss of prestige. In several instances they have refrained from publishing news to protect department store advertisers. One case of suppression concerned a crime in which a member of one of the large drygoods houses was involved. Another had to do with the inadequacy of fire appliances in a store which advertised largely in the press. A third dealt with the question of profiteering. One of the largest department stores of Philadelphia and New York was the offender. The news did not appear in the Philadelphia papers but was given prominence in the more independent New York press. The *World* placed it on the front page. The *Tribune* put it opposite a full-page advertisement of the store in question.[4]

The intelligent newspaper readers of the Philadelphia press will not soon forget these incidents. Probably the papers have learned a lesson, and certainly the discriminating subscriber has done so. Advertising interests have sometimes succeeded in dominating some individual paper. But on the whole, the great papers of the day refuse to publish the old-time fraudulent advertisements, and keep their columns clean of undue influence from this source. The farsighted advertiser has come to realize that attempted regulation of the news does not pay. It is usually discovered, for other papers and periodicals are ever watchful. If the people become cognizant of collusion between paper and advertiser to suppress news the paper loses circulation, the advertiser business.

The Russian Revolution from March, 1917, to March, 1920, as Reported by the New York Times

Suppression of news in the interest of advertisers does not offer the temptation and difficulties which are created by a time of

[4] *Nation*, May 29, 1920, 110, 709; June 26, 1920, 110, 841.

stress and excitement. At such a time there are many reasons why the paper may be unable or consider it inexpedient or undesirable to print all the news in an impartial way. Yet the very seriousness of the situation imposes on the paper the obligation of giving the public, so far as it is able, complete, unbiased, and reliable data.

During the World War, the press in most of the countries concerned was under government regulation. News was suppressed which might prove detrimental to the nation's arms. Propaganda against the enemy was published to arouse a fighting animus in the citizens. This situation combined with the momentous character of the news made it difficult or impossible for American papers to obtain an impartial and accurate account of events. Yet the very importance of the issues placed on the papers a stern, moral duty to use every possible means to discover the truth and transmit it to their readers.

A study has been made of the Russian Revolution as reported in the New York *Times*, one of the world's greatest papers.[5] A period from March, 1917, to March, 1920, was covered by this study. The test applied to the news consisted of a comparison between the impression given by the paper and certain definite happenings about which there was no dispute.

[5] Lippmann, Walter, and Merz, Charles, with the assistance of Faye Lippmann. "A Test of the News," an examination of the news reports in the New York *Times* on phases of the Russian Revolution of special significance to Americans, March, 1917—March, 1920. A supplement of the *New Republic* of August, 1920.

We have drawn freely upon the material contained in "A Test of the News." By recasting the substance of this study in parallel columns, we have tried to make it more vivid and to emphasize the effect made on the reader. We have attempted to show more emphatically how much more the reporting of the news was founded upon the supposed hopes of the readers for a certain kind of news and the desire to appease those hopes than upon actual facts. In summarizing this data, it has been impossible to include much important material on which the authors of the study based their conclusions. It has been necessary to generalize freely without bringing in the specific facts to substantiate the generalizations. The study has, therefore, lost in consequence.

1. "TO THE JULY OFFENSIVE"

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
After Russian Revolution of March, 1917, the reader was anxious to know what effect it would have on the Russian armies opposing the Germans on the eastern front. The United States had broken off diplomatic relations with Germany and during the period under discussion declared war on that nation. Russia, a member of the Entente, was looked upon as a factor essential to the victory of the Allies. But, involved in internal warfare, her course of action was difficult to prophesy and had become a matter of vital concern to the American reader.	News during the period preceding what is known as the Russian "July Offensive" on the whole was hopeful and described Russia as able and willing to fight. Pessimistic items appeared claiming the Russian people to be weary of war and desirous for peace at any price, but they were not given as prominent a place, did not receive the weight of editorial approval, did not come from sources ordinarily thought to be as reliable.	While the trained reader could have derived the real situation from the news, the casual reader was led to believe that Russia could and would continue fighting.	After the paper had built up these hopeful expectations, the collapse of the Russian army, July, 1917, in its first real test against the Germans, came as a complete surprise. The Russians attacked on a wide front in Galicia. After a slight preliminary success, the offense collapsed. There was riot and mutiny in the Russian army.

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
The reader still concerned himself chiefly with the question, would Russia continue to fight? The rebellion of the Bolsheviki during the Russian offensive led to further questioning. How long would the provisional government, set up after the March revolution and headed by Kerensky, continue to exist? How strong was the more radical Bolshevist element? Kornilov, a Cossack, had been appointed commander-in-chief of the Russian army by Kerensky after the July defeat. He staged a revolt against the Kerensky government. According to his own proclamation, he took this action for the "preservation of a Great Russia." The reader was anxious to know whether Kornilov really represented the Russian people or whether he was merely an episode in the general upheaval of the Russian state.	While the difficulties of the existent Russian government were given a more important rôle, a misleading optimism continued to pervade the news. Even "big defeats" were intermixed with "little resistances" to which an optimistic importance was attached. The collapse of the Russian army in July appeared, but its significance was minimized. The main picture thus became confused and distorted. The revolt of Kornilov against the provisional government in general was described in a favorable light. Kornilov was pictured as the strong man who would lead Russia to military victory. He was the "Great New Power Rising in Russia." Yet a short time later reports showed the Kornilov revolt to be a failure. News out of Russia itself did not minimize the growing power of the Bolshevists, but news from the State Department and the Russian embassy did. Kerensky's historic interview to the Associated Press was printed briefly in the *Times*. In this interview Kerensky declared Russia was worn out and the Allies must take up the burden of the war. The impression thus created was practically erased when the State Department, the Russian embassy, and dispatches from London declared that there were no indications that Russia was out of the conflict. Issues of November 7-9 carried news of the Bolshevist revolt and Kerensky's flight.	The hopeful reader who put his trust largely in official dispatches would have continued to believe there was no real danger of Russia withdrawing from the war. He would probably have realized that the Kerensky government was none too secure. For a time, he might have thought that Kornilov was destined to be the savior of the Russian people, that he offered a solution for the perplexed situation. Unless he had read with discrimination during this period the Bolshevist Revolution would have found him unprepared.	The Russian army was suffering severe defeats, was mutinous and dissatisfied. Kornilov's rebellion was short-lived and if anything served to complicate rather than improve the Russian situation. The provisional government was overthrown by the Bolsheviki, November, 1917, and a communist government with the soviet as the unit of government was established.

3. FROM THE BOLSHEVIST REVOLUTION TO THE RATIFICATION OF THE TREATY WITH GERMANY AT BREST-LITOVSK

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
Would the Bolshevist power last? What would the Bolsheviki do about the war?	The general note struck during this period was prophetic of the instability of the Bolshevist power. Twenty items to this effect appeared in November, ten in December, two in January, and fourteen in February. The dearth of such prophecies in January was probably due to several facts. During this month, Trotsky was parleying with Germany and resisting her. Lloyd George made his speech suggesting a conciliatory peace. President Wilson set forth his fourteen points with a "sympathetic reference to Russia." On the whole, the trend of the news was more favorable to Russia, for it seemed likely that the Soviet government would continue in the war. By the end of January, this hope died away and on February 12, Russia's war with Germany was terminated.	In general, the reader would gather the impression that the Bolshevist power was insecure and doomed to speedy downfall. He would feel uncertain whether Russia, under a Soviet régime, would continue in the war. During the month of January, he would be more hopeful and might reflect the more favorable attitude of his paper toward Soviet Russia.	The Bolshevist power, while doomed to destruction on innumerable occasions in the *Times*, has continued in a fairly stable condition into 1924. The Bolsheviki made a separate peace with Germany at Brest-Litovsk, March, 1918.

4. "APPEAL FOR INTERVENTION"

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
With Russia out of the war, what was the best move for the Allies, confronted by a Germany relieved of pressure on her eastern front? How did the Russian people feel about intervention?	From the time of Russia's withdrawal from war to the public and official intervention of the United States in August, with one short period of intermission, the *Times* carried on a campaign for intervention. The news columns were invaded by editorial opinion for the purpose of persuading the people of the advisability of the policy. The period of intermission occurred after President Wilson vetoed the idea of intervention in March and before the German offensive. The fear created by this offensive seemed to strengthen the forces working toward intervention, and in May they began a second campaign. During these five months, the news columns alone contained about 285 items bearing on this problem. The main reason given for intervention was Germany's domination of Russia. Practically nothing was said of the "red peril." The Bolshevists were pictured as nonresistant to Germany, even in league with that country. The non-Bolshevist element was described as the true voice of the Russian people, and the policy of intervention as resulting from the plea of that voice.	The reader was led to believe that intervention was advisable and necessary for the success of allied arms and for the protection of the Russian people from Germany. He was made to feel that the Bolsheviki did not represent the real voice of the Russian people. While the Bolshevist element was not opposed to Germany and was unwilling to fight against her, the real Russia was pleading for allied intervention to resist the Germans.	The anti-Bolshevist element could not have represented the true voice of the Russian people. If it did, the Soviet government would scarcely have continued to exist while the régimes of its opponents crumbled away. If intervention had been undertaken to prevent German domination of Russia, it would not have continued after the armistice when all danger of such domination was ended.

5. RED PERIL AND INTERVENTION AFTER ARMISTICE

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
After the armistice the reader was interested in learning how serious and extensive was the "red peril." He wanted to know if intervention was necessary.	The "red peril," hitherto given an insignificant place when compared with the danger of German domination, began to assume a new importance in the news. Bolshevism was pictured as a menace to the world. The necessity for continued intervention to destroy this menace was urged. Soviet Russia had replaced Germany as the enemy against whom allied troops in Russia must fight.	In the reader, the idea of a Bolshevist menace was created. He assumed intervention necessary to deal with this menace which threatened to spread westward, destroying civilization.	The "red peril" in 1924 had yet to destroy civilization. Intervention was only temporary, was discredited, and served to complicate rather than solve the Russian situation.

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
The white generals Kolchak, Denikin, and Yudenitch, represented factions in different parts of Russia opposed to the Soviet government. They carried on campaigns against the Bolshevists and were given the support and assistance of the Allies. The reader was anxious to know if they were winning their campaigns, if they really represented the Russian people, if intervention in their behalf was justifiable.	In the spring, summer and autumn of 1919, Kolchak, Denikin, Yudenitch were greeted as "dictator-saviors of Russia." When they were moving forward "extravagant claims" were made of their success. The significance of their retreat was minimized and prophecies made of better times to come. The weakness of the Bolsheviki, the probability of their overthrow was continually prophesied. Pains were taken to show that Kolchak and Denikin had popular support, but comparatively little was said in regard to the extent of the support given the Soviet government.	The white generals were winning over the Bolshevists. Their régimes tended to be democratic rather than autocratic, were given popular support, and represented the true voice of the Russian people.	The campaigns of Kolchak, Denikin and Yudenitch were failures. They did not represent the Russian people.

7. "OFFENSIVE AGAINST POLAND"

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
Allied assistance was asked for Poland as a protection against the Bolsheviki. The reader wanted to know if this assistance was really needed. Were the Bolshevists threatening Poland or was Poland the aggressor? Would any aid given be used for defensive purposes or to secure for Poland a portion of Russian territory?	While these campaigns were taking place, warnings were appearing in the *Times* of a Russian invasion of Poland, ostensibly looked upon by the Allies as the barrier standing between the rest of Europe and the Bolsheviki. As early as January, 1919, an Associated Press dispatch announced that Poland was "preparing for a military campaign along her entire Russian frontier"; that the Bolsheviki had "forced the Poles to take up arms by their advance into Polish territory." The same dispatch said they were advancing toward Vilna. The spring offensive thus predicted did not materialize. Again in January, 1920, another spring invasion was foreshadowed in the news. In February of that year, the *Times* published a special cable which stated that information from "reliable agents" left no doubt that the Bolsheviki were preparing an "enormous offensive against Poland," and "Poland, undermined by propaganda," could not resist the "Soviet army of 2,000,000." Strangely enough, a short time after this report, the *Times* printed a special dispatch from Washington which stated that the Polish representative in Paris would not "transmit to Poland the demand of the Allies for withdrawal of Polish troops to the ethnographic frontier fixed by the Allied Supreme Council."	The reader gained the impression from the general trend of the news that Soviet Russia was the aggressor against Poland, who needed assistance badly if she was to hold the frontiers assigned her by the peace conference.	December 2, 1919, Polish armies had advanced more than 180 miles into Russian territory. Poland, on February 24, 1920, in negotiating for peace with Soviet Russia, claimed an eastern frontier such as existed in 1772. A counter-offensive against Poland was not started by the Soviets until July, 1920, and in the meantime the Polish army had been well into Russia for over a year and a half.

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
Could no better policy than intervention on behalf of the white generals be adopted by the Allies? Was Soviet Russia anxious to continue hostilities and inimical to moves toward peace?	From February to November, 1919, while the Polish struggle and the campaigns of the white generals were taking place, various attempts were made by the Allies to give their Russian policy a new turn. Whether it was the fault of censor, correspondent, or editor, the full text of the Russian reply to these attempts was not published, and the abridged statements gave an erroneous impression. A conference between the Allies and Soviet Russia to end military activities was proposed. This was known as the Prinkipo proposal. It had no results. The reason for its non-success was blamed on the Soviet government. It was reported that the Bolsheviki refused to comply with the conditions laid down by the Entente. The text of the Russian reply as published gave this same impression. Soon after the collapse of the Prinkipo proposal, Dr. Nansen made his offer which suggested the appointment of an allied commission to provision starving Russia. The *Times* reported that Soviet Russia rejected the feeding proposal because she refused to accept the accompanying condition, that hostilities be brought to a close.	The reader would blame Russia with the failure of the Prinkipo Conference and the Nansen proposal. He would think that Russia's unwillingness to call a halt to hostilities destroyed any chance of a better understanding with that country.	The full reply of Soviet Russia to the Prinkipo proposal, published later in book form ("Russian - American Relations," 1917 - 1920), showed Soviet Russia willing to end hostilities and even to discuss the question of the cession of Russian territory to the Entente powers or forces receiving aid from them. The full text of the Russian reply to the Nansen proposal showed a like willingness to discuss the cessation of hostilities if the whole problem of Soviet Russia's relations with her adversaries were taken up. It was urged that only on such conditions could Russia secure lasting peace.

9. THE "RED PERIL" AGAIN

Chief Concern of Reader	*Newspaper's Report*	*Probable Impression Derived by Mass of Readers*	*Facts*
With intervention and other allied proposals a failure, what was the wisest policy to pursue toward Russia? The Soviet government, despite newspaper prophecies, was still in existence and seemingly showed small indication of dissolution. Would not peace be perhaps a more satisfactory solution than continued war?	Beginning in November, 1919, the "red peril," for some time relegated to oblivion, again came into prominence in the news. The Bolsheviki were reported at various times as threatening India, America, Japan, Poland, Europe, Persia, Eastern and Southern Asia, Mesopotamia, etc. The menace of Bolshevism was constantly reiterated. In one month, January, 1920, fourteen dispatches to this effect appeared. Subsequently Russian news from the *Times* continued to warn of the red menace, to see in radical activities and strikes in this country the hand of the Russian reds. While the "red peril" gradually ceded its important place in the Russian news, a series of reports picturing the probable collapse of the Bolshevist government and Russian internal disorders continued after the Russian government was well established and apparently fairly stable.	Had the reader been disposed toward peace and a resumption of friendly relations with Russia, he could scarcely retain such a feeling when he read that Russia was a "red peril" threatening to overwhelm the civilized world. He would come to think that all countries must guard against this menace and stamp it out whenever it appeared. He would look upon Lenin as little short of immortal. Had he not fled, from his office, been threatened with forcible overthrow, retired, been thrown into prison, and finally killed, yet was still holding his position as premier, a place which he occupied until his death, January, 1924.	The Soviet government was still in existence in 1924, although death and sickness had respectively removed Lenin and Trotsky from their position as leaders.

The authors of this study made the following statement concerning the character of the news and the paper's responsibility: "From the point of view of professional journalism the reporting of the Russian Revolution is nothing short of a disaster. On the essential questions the net effect was almost always misleading, and misleading news is worse than none at all. Yet on the face of the evidence there is no reason to charge a conspiracy by Americans. They can fairly be charged with boundless credulity, an untiring readiness to be gulled, and on many occasions with a downright lack of common sense."

Report of the Steel Strike as Given by the Pittsburgh Press

The *Times* was not the only paper in the United States to warn its readers of the "red peril" and the spread of Bolshevism. The people read in such a catastrophe the destruction of American ideals, the end of a capitalist society, and of individual ownership of property. The fear thus aroused added to the natural reaction of the people against radical parties. In time of peace such parties had existed and little attention had been paid to them by the average citizen. In time of war the situation changed. These parties claimed many alien members. They were opposed to war. They were pledged to bring about changes in the present order. These factors combined to make the people, the government, and the press see in such organizations and in labor uprisings an effort to establish a new order in this country. Strikes which were actually the same old struggles of the same old workers to secure certain industrial advantages became sinister undertakings of the "reds" and of pro-Germans. The most important strike in which such an attitude was widely taken by the press was the great steel strike of 1919. Throughout this strike the big dailies of the eastern states, almost without exception, favored the steel owners as against the laborers. Those papers outside the radius of the strike were willing to give the striker's side some publicity, though their news and editorials on the whole inclined to the side of capital. A special study of the Pittsburgh press was made by the commission of inquiry of the Interchurch World Movement.[6] Pittsburgh was one of the principal centers of the strike, and the news from this source influenced the press of the entire country. The investigation covered the first two months of the strike and involved 400 issues of seven daily English lan-

[6] Commission of Inquiry, the Interchurch World Movement. "Public Opinion and the Steel Strike," pp. 87-162.

guage papers with a circulation of from 60,000 to 100,000 each. These papers were the dominant influence for Pittsburgh and a large surrounding area.

Certain important conclusions were drawn from this study:

1. "A policy of antagonism to the strike was adopted by the Pittsburgh papers without a pretense of previous investigation."
2. They accepted lucrative advertisements from business interests "without regard to the merit of statements contained in them." These advertisements were calculated to induce the workers to return to work by stigmatizing the strike as disloyal, un-American, Bolshevist, pro-German; as called without good reason, unsustained by the majority of workers, and doomed to failure.
3. Strikers were represented as "chiefly radicals and revolutionists," though no reliable proof existed to substantiate this charge. On its face it seemed exaggerated, for the strike was conducted under the auspices of the American Federation of Labor.
4. The press maintained an almost complete silence regarding the industrial grievances of the workers and the real causes of the strike. The bad living conditions, the twelve-hour day and seven-day week worked by many of the men, and the inadequate wages were given no prominence. The demands for a six-day week, an eight-hour day, and the recognition of the right to organize likewise received little emphasis.
5. The papers remained practically silent concerning the issues of free speech and assemblage, apparently accepting without investigation the claim of local officials that the emergency warranted repression. Later investigations of other agencies showed that during the strike, strikers in certain districts were denied their personal liberties without due cause.
6. Accounts of violence and disorder on the part of the strikers from the employers' or officials' point of view were published without investigation.
7. Inaccurate statements minimizing the number of men on strike and the number returning to work gave both public and workers the idea that the strike was not supported by the workers as a body and was doomed to failure.
8. News was colored in a way beneficial to the steel owners and suppressed in a manner detrimental to the workers.

9. Public opinion was definitely influenced in favor of the employing interests, and no opportunity was given even the discerning reader to ascertain the truth.

A few instances may be cited to illustrate the general bias of the papers and the manner in which they suppressed news. Throughout the strike they carried headlines which gave the many readers who merely scan the paper a distorted idea of the struggle. The material following the headlines was ordinarily less violent and in many cases showed them to be exaggerations.

Headlines Giving the Impression That the Workers Were Radical and Un-American.

ALIEN STRIKERS' DEPORTATION URGED BY WALSH TO CRUSH RADICAL TENDENCIES HERE.

ALL ALIENS NOT RADICALS RETURN TO MILLS, REPORT. OFFICIALS SAY ONLY CITIZENS OR THOSE READY TO BE NATURALIZED ARE WANTED— STRIKERS' JOBS ARE FILLED.

DRASTIC STEPS DEALING WITH ALIENS ASKED. HOMESTEAD CHAMBER OF COMMERCE URGES RESTRICTION OF IMMIGRATION, WANT UNIONS CURBED.

GERMAN DESIGNS SUSPECTED.

INSPIRED WALKOUT TO REGAIN TRADE, STEEL MAN ASSERTS.

A Few Headlines Indicating That the Strike Was Called Without Due Cause.

STEEL STRIKE PREVENTABLE, SENATORS HEAR.

McKELLAR SCORES CHIEFS FOR NOT DELAYING STRIKE.

SENATORS FIND MILL WORKERS HERE SATISFIED.

REASONS FOR STRIKE UNKNOWN.

When these headlines came out in the press, representatives of the workers were appearing before the United States Senate committee investigating the strike. The testimony given described the long hours of work, the arbitrary treatment, the unjust tactics of police and other officials, the desire of the foreign workmen to become Americanized and their difficulty in learning English

when employed the twelve-hour day. The headlines misrepresented the true proceedings. Though the papers did include some account of the workers' grievances, the misleading headline and the general twist given the news gave no adequate idea of the true and complete story.

Impressions of Violence and Disorder on the Part of Strikers Given by Headlines.

1 SHOT, 20 HURT IN BRADDOCK STRIKE RIOTS, MANY HURT IN CLASHES BETWEEN STATE POLICE AND FORMER MILL WORKERS.

RIOTING AT BRADDOCK IS QUICKLY SUPPRESSED.

FOUR FOREIGNERS HELD ON DYNAMITE CHARGE.

DONORA RADICALS TRY TO BLOW UP HOME AND BRIDGE.

These were a few of the headings contained in the series of some 150 articles and items which were published to support the contention that disorder on the part of the workers was prevalent throughout the strike. These stories were taken wholly from one side and that the side of the employer. In many cases they were quite different from the accounts of eye witnesses. Several of the most dramatic stories dissolved into pure fiction when no person could be found who would substantiate the accounts as printed. A Donora bomb outrage proved to be the explosion of a stick of dynamite under the house of a striker rather than of a loyal worker as portrayed.

Coloring of News.

PITTSBURGH MILLS RUNNING FULL; UNION MEN MEET.

SITUATION GRATIFYING, SAYS CARNEGIE OFFICIAL.

WORKERS FLOCK BACK TO JOBS, BRADDOCK REPORTS THREE TIMES AS MANY WORKING TO-DAY AS YESTERDAY, MANY PLANTS OPEN.

REPORT LABORERS GOING BACK ALL THROUGH DISTRICT.

STRIKE CRUMBLING STEEL MEN SAY.

REPORT STEEL STRIKE WILL BE CALLED OFF.

Such optimistic headings as these appeared above hundreds of items. They conveyed the general impression that the strike would soon be over, that it was having little impression on steel production, that the men were returning to work in great numbers. No parallel publicity was given the statements issued by the union officials which showed a contrary picture. Those actually published usually appeared after a headline and lead effectively discrediting the workers' side. The numbers of men on strike were constantly being augmented when news reports, appearing soon after the strike was called, declared it to be already on the wane. It was claimed in the papers that the Cambria steel mills resumed work with from 7,000 to 8,000 men in attendance. An investigation of the actual number of men entering and leaving the mill disclosed about 900 men going to work the first day the mill reopened and about 600 workers, including the official force, the second.

Publicity Given Ministers Opposing Strike.

MINISTER INDICTS STRIKE LEADERS.

ORGANIZERS OF STEEL STRIKE ARE BRANDED AS RADICALS BY LOCAL CATHOLIC CLERGYMAN.

BOLSHEVISM MEANS CRUCIFIXION OF OUR AMERICAN LIFE.

MUST BEAT BACK THE RED VISION OF BOLSHEVISM HERE.

LOOK BOLSHEVISM SQUARE IN THE EYES AND MEET IT WITH AN OFFENSIVE.

While much publicity was given religious leaders who came out against the strike as dangerous radicalism, the utterances of those who supported the strikers had no similar place in the papers. The Pittsburgh Council of the Churches of Christ issued "An Appeal to Americans" which was sent to all the papers with the request that it be published. The appeal was made in behalf of foreigners and stated that there was evidence that an erroneous policy was being pursued toward them. It pointed out their good points and possibilities, the folly of expecting them to understand at once our culture and institutions. It stated that many of them had come from lands of oppression, imbued with ideals of the justice and freedom existent in America. They were now losing these ideals and were desirous of returning to the lands

whence they came. It called attention to the fact that the foreign-born were isolated into separate communities, were neglected by Americans, were herded into the menial tasks of industry. It stated that because some few foreigners were radicals it was wrong to visit condemnation on all. Mobs of "so-called" best citizens were described as taking the law into their own hands against these radicals, furnishing "glaring examples of anarchy by their own actions." The report declared that the Senate committee after investigating the strike had been led to strongly disapprove some of the acts of the courts and officials. While expressing condemnation of the attacks of some aliens on American institutions, the appeal called upon all Americans to correct the evil done to the innocent. It requested employers to give their employees "time and encouragement for cultured life." It asked civil officials to refrain from injustice. It entreated the public to treat foreigners as neighbors; it appealed to members of the Christian churches to extend to these newcomers the love of Christ.

If this appeal had been given the publicity asked, it might have shown the public what an impartial and Christian tribunal thought of the strike. Instead it was published by only two morning papers. Even these two papers did not print it in full or give it due prominence. It appeared, with some omissions, in small type on the fourth page of the *Dispatch* and in greatly abridged form on the fourth page of the *Post* which concluded its article with the denunciatory remarks of a congressman regarding radicals.

What actuated the Pittsburgh newspapers in their failure accurately to report the news of the great strike? Possibly members of their staff feared the dominant financial interests, many of which were intimately connected with the steel industry. Possibly they were naturally inclined to favor capital rather than labor. Possibly they were themselves influenced by the popular suspicion of aliens as potential "reds." Whatever the reason, they succeeded in so distorting and coloring the news that persons not intimately connected with the steel industry had no real idea of the character of the strike. Even the intelligent reader could not "by any human method of reading newspapers and allowing both for exaggeration due to bias and inaccuracy due to haste, have understood either the causes of the steel strike or the significance of its incidents."

News Reports of Chicago Race Riot

A race riot is in reality a miniature war. It rouses the same passions which are awakened by the greater conflict. The press

could do much at such a time to calm the people and prevent a serious disturbance. Instead it is likely to reflect and intensify the spirit of the mob. The white papers, prejudiced against Negroes, showing the excitement and hatred of their subscribers, do not always hesitate to accept exaggerated and partial reports and to publish them without due investigation. It would surprise the newspaper reader if he would buy a paper edited by Negroes and read its version of the affair during such a riot. The Chicago race riot of 1919 furnishes a good example of the falsification and exaggeration of news which takes place at such a time.[7]

During the first four days of the riot, the *Tribune* and *Herald-Examiner* reported 195 whites injured and 172 Negroes. In other words, the whites were apparently getting the worst of the fight. Actual facts later showed that only 156 whites were injured and 283 Negroes. On July 29 the *Tribune* stated that before three A. M. 20 persons had been killed, 13 white, 7 colored. Actually the figures were reversed. The Chicago *Daily News* of July 29 described the killing of Harold Brignadello, a white man, with small regard for the facts. His name was misspelled. It was claimed that his "bullet-riddled" body was picked up in front of a house where some Negroes in barricade were shooting at all whites who passed. A raid on the place netted thirteen of the Negroes, four women and nine men, who were arrested. The house was a veritable arsenal for the Negro rioters, containing two revolvers, two rifles, an ax, several knives, and several hundred rounds of ammunition. The facts of the case were reported by the coroner's jury as follows:

Harold Brignadello died at the hospital from the effects of a bullet wound (not "bullet riddled"). Testimony showed that prior to the shooting, 150 white men had been grouped in front of the house stoning its Negro occupants, who comprised five Negroes (not twenty as reported). Instead of the stores of ammunition, the formidable arsenal of weapons, one gun was found.

The *Herald-Examiner* of July 29 declared that several thousand men burst into the Eighth Regiment Armory and took hundreds of guns and ammunition. The mob was finally dispersed by the police with injury to some fifty persons. The police told the story in an entirely different light. Having heard a rumor that some Negro soldiers had gone to the armory with the intention of securing arms, the police investigated, found a few win-

[7] The Chicago Commission on Race Relations. "The Negro in Chicago," pp. 25-33.

dows broken, but as there were no weapons in the armory to start with, none had been taken. Where were the thousands of men, the guns and ammunition, the clash with the police, the injuries to fifty persons, reported by the *Herald-Examiner?* Evidently they existed only in the imagination of the reporter or of his informant.

Persistent tales were circulated in both Negro and white press of the killing of women and children. This is a story which never fails to rouse mob fury and reprisals. The Chicago *Tribune*, July 29, reported two white women, one with a baby, attacked and wounded by Negro mobs. It likewise contained a story of a colored woman with a baby attacked by whites and beaten to death. The *Daily News*, July 29, carried a headline, "Women Shot as Riots Grow," and in another portion of the paper "Attack White Women as Race Riots Grow. Death Roster is 30." The article then stated that several of the girl empolyees of Swift & Company had been fired on and injured by Negroes. They were riding home from work in a company truck when the attack took place at the corner of Forty-seventh Street. Investigations showed no basis of truth for this report unless it grew out of an episode occurring on the same street and on the same day when one white woman received an arm wound. The *Daily News* of July 30 described a raid into the white district and claimed that a woman and child standing nearby were shot. The Chicago *Defender* (Negro), of August 2, gave a lurid account of the killing and mutilation of a young woman and baby.

None of these stories could be verified, nor could any trace be found of the death of women or children from the coroner, police reports, files of state attorney, hospital records, etc. The reader is forced to the conclusion that in the stress of emotion the press sunk to the level of the mass, believed rumors creating race hatred, and added its voice to the cry of an uncontrolled mob.

The attitude of some newspapers, even in times of peace, reflects and intensifies race antagonism between Negro and white and prepares the way for lawless outbursts such as the Chicago riot. The Chicago race commission went over the files of the Chicago *Tribune*, *Daily News*, and *Herald-Examiner* for the years 1916-1917 and listed 1,551 articles on race matters. Of the 1,388 news items contained in these articles, 309 dealt with riots and clashes, 297 concerned crime and vice, 199 soldiers, 99 politics, 89 housing, 63 ridicule, 61 illegitimate contacts, 56 sports, 45 migration, 39 personal, 33 special columns, 18 education, 17 meetings, 8 art, 5 business. The Chicago race commission said

of the articles: generally they "indicated hastily acquired and partial information, giving high lights and picturing hysteria. Frequently they showed gross exaggeration. The less sensational articles, permitting a glimpse of the stabler side of Negro life, were less than seventy-five." [8]

Conclusion

In this question of racial antagonism, as in that of an international situation affecting our conduct toward a great European country and that of a strike in a basic industry, the newspaper failed to meet the test of an accurate and impartial news bureau.

In the first instance the paper encountered great difficulties in its efforts to secure a comprehensive story of the Russian news. Direct access to the news was blocked by military censorship and unfamiliarity with the Russian tongue. It was natural for the paper to place more credence on official than on non-official news sources. At that time the sources recognized by this country as official were inimical to the Bolsheviki who were looked upon as Russia's destroyers. Animated as these sources were by hatred and fear, the news they disseminated was colored accordingly. It had the effect of creating a similar feeling in the minds of Americans who had their own reasons for a lack of sympathy with the Russian Revolution. The early period of the revolution saw the paper and its readers, imbued with patriotism, interpreting the news out of Russia as their hopes and fears dictated. Russia's help in the war was considered vital to its successful conduct. United States citizens ardently hoped that Russia would remain in the conflict. The men in charge of the paper had the same wish, and their handling of the news reflected their general attitude. Even the fear of Bolshevism and the red peril was secondary to this desire. The Bolshevists, after they had gained power and while they were still defying Germany, were treated without obvious prejudice. Russia's withdrawal from the war destroyed a great hope and left the Allies to face a Germany relieved of pressure on her eastern front. As the Bolshevist government was in power at the time of Russia's withdrawal, it was the Bolsheviki who bore the brunt of allied disappointment. This feeling combined with the general disapproval felt by capitalist governments for the Russian communist experiment colored subsequent reports of the Russian news.[9]

[8] "The Negro in Chicago," p. 524.

[9] Lippmann, Walter, "Public Opinion," pp. 353-354; "A Test of the News."

The people did not receive an impartial and complete account of the great steel strike. To obtain such an account would have required an investigation which the papers were either unwilling or unable to undertake. The fact of greatest interest to the bulk of their readers was the inconvenience which the strike caused them. It was unnecessary to undertake any extensive investigation to arouse this interest. To the editor the obvious and concrete fact was the strike itself; the reasons which lay back of it were more intangible and required time, space, and considerable expenditure to prove. Such an outlay, however valuable from a social point of view, might prove exceedingly uneconomical. The paper would run the risk of arousing the animus of its customers and of the dominating business interests. It might lose rather than promote sales. Even were it willing to run this risk, it would find it a difficult task to secure unbiased facts at a time of such stress and excitement.

The same condition held true for the third instance in which the paper failed to give an unprejudiced news story, the Chicago race riot. To secure the facts an investigation attended by the same difficulties, expense, and economic risk would have been necessary.

These three events submitted the papers to a severe test. They were calculated to arouse passion and prejudice; the truth was difficult to obtain. The people were biased; the news they received was in line with their bias and was easy to believe. The paper, too, was affected in the same way. It was not hard for a people and press of a capitalist nation to believe unfavorable reports of an uprising against capitalism by a country which had withdrawn from a war in which they were vitally concerned. It was not difficult for a public inconvenienced by a strike in a basic industry and a press controlled by capital to denounce the strikers who were seemingly the cause of all the trouble. It was but natural that a white press and a white people should takes sides in a riot between their race and the Negro race. Yet these three instances serve to prove to the discriminating reader the fallibility of humanity and of his paper, the organ of humanity. Having recognized that the paper can and does make mistakes, that its news accounts may be so misleading as to give no accurate idea of an event, the reader realizes the necessity of learning to read the paper intelligently, so that he can glean the greatest measure of truth and can discard the falsehood.

III

THE INTELLIGENT NEWSPAPER READER

Partisanship and Its Remedy

There are three general things that the reader should remember as a guide to intelligent newspaper reading: his own and his paper's liability to partisanship, the mistake of reading only headlines, the necessity of applying certain tests to the news.

The partisan character of the paper was demonstrated in the three instances cited in the preceding chapter. The metropolitan paper of one great capitalist nation failed to present an unbiased account of a revolution carried on against the capitalist system in another nation. A white press did not give an accurate account of a race riot. Capitalist papers did not report strike news impartially. As has been shown, the partisan nature of the papers was not by any means the only motive actuating their conduct; nor was it necessarily the principal motive. It merely played a certain part in determining their policy.

Most of the best papers are capitalist ventures. Run by business men for profit, they are naturally inclined to view matters from a capitalist standpoint. They may strive to treat labor in a fair way, but in the long run their sympathies tend to be with capital. Their ideal, an impartial and accurate presentation of the news, may be lost sight of when a great issue arouses the prejudices and preconceived ideas which have been called the "stereotypes" through which each individual views the world.[1]

The labor press is subject to the same failing. It looks at the news from a labor standpoint. Its very reason for being makes it perhaps more partisan than the capitalist journal. It is pledged to work for a cause, to secure better conditions for labor. It is the organ of a certain class and the avowed champion of that class. For example, the New York *Call*, a socialist paper, in 1923 asserted that in every controversy between capital and labor it had taken the worker's side, *asking no questions*.[2] In other words, it proclaimed its purpose to uphold the workers, right or wrong. If this is a paper's declared policy, it cannot give the labor news in an unbiased way.

1 Lippmann, Walter, "Public Opinion," pp. 79-156.
2 New York *Call*, May 25, 1923.

Those papers which definitely take their stand with a certain political party likewise run the risk of being guilty of partisanship. They may support their party's candidate for office when obviously he is less able than another man and the issues at stake are so minor that they cannot serve as an excuse for the position taken. Reports of the news of a big political campaign may be colored to accord with the paper's political sympathies. A paper can legitimately take sides in its editorials if it is sure of the facts on which its opinions are based. But if it is strongly pro-labor, pro-capitalist, pro-republican, pro-democrat, its editorials are not always founded on facts and their bias is apt to creep into the news. This is especially true when the paper is called upon to meet the severe tests applied in the preceding chapter. A strike, a race riot, a war awaken strong passions and prejudices in the people and affect the paper in a similar way. Advanced movements, ideas attacking the existing order of society, radical parties have a like influence on public and press.

The reader can soon learn to know his paper's personality. He can almost predict the attitude it will take toward certain questions. It may be on the whole liberal or it may be conservative. It may be liberal along some lines and reactionary along others. A paper which is in general rather broad in its treatment of labor may be narrow in its attitude toward the woman movement. Each paper tends to have an individuality of its own. Each promotes certain ideas and obstructs others with which it is not in sympathy. Each has, broadly speaking, a set of fixed mental images which become evident to its constant and observant readers. These constitute the paper's "stereotypes" concerning events and individuals. A strike creates a totally different picture to different papers and different persons. If the paper's policy is that of a conservative capitalist, the ordinary strike appears as an unlawful move on the part of the workers to stop production, block the wheels of industry, and inconvenience the employer and the public. If the paper's policy is that of a radical labor leader, a strike assumes the aspect of a legitimate uprising of oppressed workers in a just cause. Neither one of the two papers unless it recognizes and conquers its stereotype will report strike news in an impartial way. It is only the exceptional paper or individual who does so recognize and discount the impressions which tradition, custom, and personal experiences have caused them to associate with types of people and associations. The terms "bolshevist," "foreigner," "Negro," "feminist," "politician," "labor leader," "capitalist," set up cer-

tain pictures in the mind of the average individual. The events of history are viewed by different nations and parts of nations in a wholly different way. The northerner's idea of the Civil War is contrary to that of the southerner. The World War is regarded by a German and a Frenchman from diverse angles. In reality these "stereotypes" are not true images. A Bolshevist is a good deal like any other person except for his beliefs on certain subjects. No two Bolshevists are alike, so any one picture could at best apply only to one individual. The common conception of a "Bolshevist" would hardly do even that. Neither the German, the Frenchman, the Englishman, or the American has to-day a true idea of the World War. Only the perspective of time and the interpretation of the scientist can ascertain the truth. Even then the faulty or biased records at his disposal will make the task difficult or impossible.

The reader cognizant of the images which invade the mind of the individual and his paper will be ever watchful to make allowance for them in ascertaining facts. He will realize that he is apt to select a paper because it mirrors his own opinions and beliefs. Some of these are formed during childhood by environment and personal influences, some during adolescence by companionship. Some come through education and the experiences of youth, some from general reading, some from the ever-present daily. The individual acquires his parents' newspaper habits, often adopting for his own the family paper or one similar to it when he becomes an adult. This paper has been instrumental in forming his ideas about present-day problems, politics, the government, public men. If he will give thought to the question, he will realize that he chooses his paper because it handles national and international affairs in a certain way, because he is in accord with its editorial opinions, because he and his paper have, by and large, one mind on important issues. He will realize that as he thinks on these questions, his paper thinks; as his paper thinks, he thinks. If he has strong prejudices, his paper is apt to have them and vice versa. If he investigates and finds out something about the members of the paper's staff, he will probably find it is edited by men possessed of much the same "stereotypes" as he has himself. Recognizing a certain fallibility in himself and his paper, the discriminating newspaper reader should set to work to correct his defect as far as he is able. If he is intelligent, he will have a healthy interest in the news. If he has such an interest, he cannot avoid forming opinions about the various subjects reported. His opinion is influenced by the

version of the news presented by his paper and by its editorial comments. He can obtain more facts and different viewpoints concerning any one event if, instead of confining himself to one paper, he will subscribe to several papers of as diversified a character as possible. A man who is conservative in his point of view should, in addition to his regular journals, take a liberal paper. A liberal individual should read a conservative journal. If a serious race riot is taking place, the person anxious to understand both sides of the issue and to form a correct opinion, for the duration of the riot, should buy papers edited by individuals of the opposite race. If a great strike is going on and the reader finds a one-sided account in the newspapers to which he customarily subscribes, he would do well to take a labor daily.

The intelligent newspaper reader should not confine himself to newspapers alone in his effort to keep in touch with everyday happenings. He should become a regular subscriber to some of the periodicals such as the *Survey*, the *Nation*, the *New Republic*, the *Independent*, the *Outlook*, etc., which make it their business to investigate and comment on the news. The *Literary Digest*, while of a different character from the others, is also valuable. It gives a résumé of the news taken from many different papers and so presents many diverse points of view.

By reading several periodicals and papers the reader will learn to appreciate how many opinions there may be on any one subject. He will realize that there are certain controversial questions which no person or group of persons is competent to decide dogmatically. He will be able to compare the news reports of a certain event in one paper with those in another, to balance the liberal against the conservative, the capitalist against the labor viewpoint. He can weigh his evidence and detect exaggeration and possibly falsehood. He may not always be able to determine what to believe, but at least he will know in general what not to believe.

Avoidance of Headline Reading Alone

He will be aided considerably in his attempt to secure an intelligent interpretation of the news if he will avoid limiting himself to headline reading and will subject the news to certain tests. The first habit offers a peculiar temptation to the busy person who takes a few minutes to skim one or possibly two papers. He glances at the headline. If it seems to promise an article of interest he may go farther, but often he treats the headline as a sort of résumé of the news and is content to stop with the in-

formation it affords. Headlines are not summaries of the paragraphs that follow. They are not the most important part of the news. They are often entirely insignificant. They often distort or exaggerate the more detailed account below. They are the paper's advertisement of its news. They constitute the most sensational and supposedly the most enticing bit of the article which they advertise. Sometimes this may serve to give the reader some idea of daily happenings, but ordinarily he receives an incomplete and inaccurate impression.

The headline reader of the Pittsburgh press during the steel strike of 1919 would have gathered a more erroneous idea of the strike than the reader who perused the news articles to see if they substantiated the headline report. For instance the *Leader* of September 24, 1919, carried a first page article under a big display head, PITTSBURGH MILLS RUNNING FULL; UNION MEN MEET. The article under this head carried no statement that the mills were running full. It merely stated that the outlook was promising according to "mill officials" and that a "walk in" was under way. On September 25 this same paper carried the headline, WORKERS FLOCK BACK TO JOBS, BRADDOCK REPORTS THREE TIMES AS MANY WORKING TO-DAY AS YESTERDAY, MANY PLANTS OPEN. The substance of the article did not substantiate this headline but cited indications which might show a return of more men to work.[3]

In reporting the proceedings before the Senate committee investigating the strike, the *Gazette-Times* of October 11, 1919, devoted a short portion at the end of its article to the account of the grievances given by the strikers' witnesses. The headline reader would never have had an inkling that such material was contained in the article from the headline and lead. These read:

STEEL STRIKE PREVENTABLE, SENATORS HEAR

Walkout in Opposition to President's Wish, Witnesses in Local Probe Say.

ORGANIZER GRILLED

Statements of Strike Leaders Are Occasionally Resented by Investigators.

SESSION FOR TO-DAY[4]

[3] The Commission of Inquiry, The Interchurch World Movement, "Public Opinion and the Steel Strike," pp. 134-136.

[4] "Public Opinion and the Steel Strike," p. 115.

The *Leader* of October 12 in its report of the proceedings of the Senate investigation carried a display head, reading: "McKellar Scores Chiefs for Not Delaying Strike." In the context of the article was the testimony of some of the witnesses representing the strikers, but there was nothing in the heading or lead to indicate this.[5]

On June 22, 1919, the New York *Times* placed the heading, "Urge Move to Halt Red Rule," over the news account of a signed statement of a number of clergymen. The statement urged the people to influence public opinion against lawless measures by whomsoever employed. It asked for a fair trial for all accused persons. It required that in the United States no man's case, no matter if he were a Bolshevist or an I. W. W., be prejudiced by an appeal to popular feeling. Was this urging a move to halt the rule of the reds? The New York *World* of April 4, 1921, quoted the statement of a socialist editor that a reporter under the present system of society must have the intelligence to treat his material in such a way as to please the editors and the business and political interests behind the paper. This report was headed "Newspaper Press Honest, Says Socialist Editor." Such a headline could scarcely be considered a résumé of the article's content.[6]

Testing the News

The intelligent reader will soon learn the fallacy of headline reading. He will run across innumerable instances where a mere perusal of the head and lead to an article would leave the reader with a wrong or incomplete idea of the news. He will make a rule to avoid this practice, to scan the entire article for its importance, and to read it more carefully if the survey shows it to be worth while.

Agents Who Collect the News. In determining if an article is valuable, in attempting to gather from it as accurate an account as possible of the news, the reader must examine the sources whence it comes and ask himself different questions regarding its content. The paper employs certain agents to secure its news. The reporter, the special reporter, the special correspondent are engaged in this capacity. The reporter is ordinarily poorly paid. He enters his position with the hope of securing promotion within a short time. He has often received little or no training for his work. If he has had no special instruction in taking

[5] "Public Opinion and the Steel Strike," p. 114.

[6] New York *Call*, April 5, 1921.

evidence and observing events, he is subject to all the failings of the average eye witness. Even when he strives to report only the actual happening, he must of necessity report it as he sees it. He may see it in an entirely different light from another person possessed of a different education, of different standards, different traditions, and so having a different set of "stereotypes." A paper, more or less dependent on such untrained and unscientific service, cannot expect to get reliable news accounts. Even when a man is a specialist, taught to discount his own bias, to place a strict control over his own senses, to make allowance for probable prejudice in others, in a word, to weigh the evidence as a judge, he is liable to error.

The special correspondent is a man with a higher degree of training and experience than the reporter. He is detailed to certain types of work, to the reporting of great events about which the paper wants first-hand information. He is a regular member of the paper's staff. His work is similar to that of the special reporter, with this difference: the special reporter is hired to do a certain piece of work for which he is considered especially qualified. After this work is done, he may be transferred to another field, or he may go back to the work which he temporarily left while in the paper's employ. The articles of the special correspondent and special reporter are usually signed. They are news articles, but the writer's own opinions and conclusions often appear in the content. The reader can easily learn to recognize such articles. Even when unsigned he can distinguish them from the work of the regular reporter by their expression of personality and opinion. He will come to know the work of the well-known correspondents. He can perhaps determine beforehand the attitude they will take regarding certain subjects and will be able to discount their probable prejudices. If he is a steady subscriber to one or more papers, he will become familiar with the work of the different writers on the paper's staff even when it is unsigned. This will help him in his interpretation of the news.

There is another agent through which the paper obtains its news, the press service. There are several press services in the United States. Among them are the Universal Service, the International News Service, the Federated Press, the United Press, and the Associated Press. The Universal Service supplies selected news mainly to morning and weekly newspapers. The International News Service serves afternoon or evening papers with a wide variety of news. The Federated Press specializes in labor news. The United Press is one of the large press services. It

supplies 800 representative papers in the United States and Canada and has its agents scattered throughout the world.

The Associated Press is the most important of the press services in this country. It has 1,208 members and its organization is world wide. Its purpose is to supply all the significant news to all of its members. It works in this way. Local newspaper members are expected to furnish the Associated Press with all the news items they think of interest. The Associated Press then sends out to its members those it regards as important. It also employs special correspondents to gather news of special events. Through this service the member papers are able to obtain a much wider variety of news at a much lower cost than if they attempted to secure it independently. The quality of its news is open to all the fallacies of the ordinary news report with this difference. Its dispatches go all over the country to numbers of very different papers and any gross error could scarcely pass undetected. This is true of any large press service. Its dispatches are labeled and the reader can put reasonable reliance on their accuracy.

Obstacles the Paper's News Gatherers Encounter. The agents of the individual paper and the press services in their attempt to secure the news encounter the obstacles of propaganda, censorship, and tradition which protect certain kinds of news while freely exposing others. The news from foreign countries, especially in time of war, is often surrounded by a wall of censorship and propaganda through which even the most conscientious and able reporters can scarcely penetrate. Some news is protected from the paper's agents. Thus it is hard to find out how much profit or income a man receives, what wages he pays his workers. Yet these are important pieces of information in deciding the justification of the issues in a strike.

Other news comes to the paper only through an intermediary, the press agent. Business, social, and political organizations have found it increasingly necessary to employ such agents. They have been afraid to trust the handling of news concerning their staffs and their activities to the ordinary reporter. He is usually pressed with work, is without any intimate acquaintance with the business or association about which he is expected to write a report, and is thus unable to sift the important and the true from the unimportant and the false. They have preferred to hire an employee to act as a go-between. Such an agent can scarcely be expected to furnish the paper with news detrimental to his employer's interests. He acts as a business promoter and time-saver. He spares his employer the necessity of dealing with the reporter direct, saves him unfavorable news comments, and gives

him desired publicity. The press agent's articles are often published without any great change by the paper. They are not signed. The reader can usually detect them by their partisan character, their undue praise of an individual or an organization.

The Editorial. After the paper's agents have finally collected the news which they are able to secure despite censorship, tradition, and propaganda, it is brought to the editorial desk where it must be sorted and placed on the news sheets according to its popular interest and significance. The paper is not large enough to enable the editor to publish all the news which comes to his attention. He must decide which items are the most important, which will be of greatest interest to the reader and secure the greatest number of sales. He is influenced in his selection by his own particular viewpoint and bias, by the policy of his paper, and by the demands of his customers. The editor is apt to choose the immediate and concrete. Unless he is moved by popular demand or personal conviction, he is inclined to avoid or pass over news which requires extensive investigation to make plausible and considerable space to prove and to render credible and which is apt to arouse the animus not only of the business interests of the paper but of its customers. But if he follows this course because it seems difficult, expensive, or inadvisable to attempt to secure or publish complete data, his editorials regarding the situation will be practically valueless. The editorial is the expression of the paper's policy and opinions concerning the news. If the paper has only a one-sided account, is basing its news reports only on the popular and obvious, such comments are misleading and without import to the intelligent. The reader should remember this in his perusal of editorials. If he finds the news regarding a certain matter biased or incomplete, he will not give much weight to editorials concerning that news. The intelligent reader of the Pittsburgh papers in 1919 could not have placed credence on the editorials which dealt with the steel strike, for the partial character of the news would have made him wary. Again the reader is at an advantage who habitually takes several diversified papers and in a great controversy purposely buys the news organ representing the opposite side to that taken by himself and his journal. The news neglected by one paper will appear in another. The viewpoint taken by one will be contravened by the other.

Was News Secured Directly or Indirectly. When the paper reaches the reader, it contains the news, selected and placed for his benefit. Some items have been discarded, some have been printed but inconspicuously, others have been given a prominent

position. Because a news item appears on the front page under a big display head, it will not necessarily be of interest to the intelligent reader. He bases his decision as to its value on other factors. First he determines, if he can, by whom the article is written. He will then try to decide whether the material was secured directly or indirectly and will appreciate it accordingly. He will be aided in this task by asking himself certain questions. Did the reporter or correspondent see, hear, feel, or experience the thing about which he is writing? If he did not, who did? Was he told about it by an eye witness or by some one still further removed? How much was he permitted to see, hear, etc.? What type of article does he usually write? Is he prejudiced along certain lines or is he reasonably open-minded? The reader may not be able to answer all these questions satisfactorily, but if he will bear them in mind, he will realize how liable to error is the reporting of any event.

His next point of interest will be the source from which the data were obtained. The article may state whether or not the statements are official, that is, issued from governments, from circles around governments, from leaders of political movements, and definitely stating the name and position of the informant. The reader will not implicitly believe the item because it happens to come from official sources. If the official informants are interested parties, he will find it necessary to discount this factor in his judgment of the reliability of the news. He will remember that there may be reasons why such informants feel it advisable to suppress or distort the news and shape public opinion accordingly. He will think back over the Russian news and remember the fallibility of the official sources of such news.[7] But he will give more weight to these identified sources than to the semi-official and anonymous. Vague articles beginning "officials of the state department say so and so"; "government and diplomatic sources" report such and such a thing; "it is stated on high authority"; will not make the impression that is made by a quotation from a certain named and reasonably authoritative bureau or individual. He will give still less credence to articles with no better support for the statements contained than unidentified dispatches coming from foreign cities, from unnamed men or group of men such as "a well-known steel head", "numerous steel men", or unsigned statements of correspondents of foreign papers.

Content of Article. After the intelligent reader has decided how much reliance he can place on the source from whence his

[7] "A Test of the News," pp. 41-42.

material comes, he will examine the article itself to determine its value. If an article deals with factual material which can be obtained from a definite record, there is less chance that it will be untrue. Information concerning births, deaths, marriages, divorces, court decisions, imports, exports, etc., is fairly accurate because a record exists from which the paper can draw its facts, and they will tend to be as reliable as the record itself. If an article treats controversial subjects about which the truth is not known, it will of necessity be less reliable and will tend to be influenced by the paper's policy, its stereotypes, the attitude of the body of readers to which it caters. Data concerning personalities, feelings, the policies of foreign governments, labor efficiency, conservatism, radicalism, liberalism, wages, private profit, income, etc., are vague, hard to interpret correctly, or impossible to obtain.[8]

Common-Sense Questions to Ask Regarding Content. The reader will be aided in deciding what credence to place on a news item if he will ask himself four common sense questions concerning it. Is it credible and in accord with the customary actions of individuals and governments? Does it seem to be written with any ulterior purpose? Does it give only a one-sided and evidently biased account? Does it partake of the character of fact or rumor?

The Pittsburgh papers' reports of the steel strike gave a one-sided account. They would have been discounted by the intelligent reader. The Chicago papers' reports of the race riot partook of the character of rumor. They too would have been regarded with skepticism by the individual anxious to learn the facts. The New York *Times*' accounts of the Russian news, stretching as they did over a long space of time and in general discrediting the Russian Soviet government and its leaders at every point, would finally make the discriminating reader wonder whether perhaps there was not some purpose behind the *Times*' policy. In his perusal of the news coming out of Russia during and after the Russian Revolution, he would recognize much that was not credible. If he ran across a story describing the misery of the Russian people, stating that the peasants were fleeing from the German Volga colony, and carrying the statement, "The roads along which swarms of people are migrating are literally sprinkled with the bodies of children, say the colonists,"[9] he would realize that this did not accord with the customary actions

[8] "Public Opinion," pp. 342-343.

[9] *The Nation*, August 24, 1921, p. 191.

of human beings. He would also be interested in observing the vague source of the news, "say the colonists." Such a source would scarcely give the discriminating reader confidence in the authenticity of the news.

Conclusion

When the reader applies these tests to the news after recognizing his own fallibility and that of his paper, he may hope to detect errors in his own and his paper's beliefs, reports, and judgment. To obtain contemporary facts concerning great social questions, international relations, war, etc., either through his paper or through other agents, he will find difficult. Such facts are not adequately recorded, and as long as no scientific record exists, neither the paper nor the reader can be sure of the truth. The reader will find that he is aided in his effort to read the paper intelligently if he has a knowledge of its organization and the methods it employs, if he will read several different kinds of papers and periodicals. He must also learn to assess the value of a news item, to distinguish fact from rumor. He must use his common sense, must be ever watchful of exaggeration, over-coloring, of propaganda, and untruths. Only as he learns to balance conflicting reports, to discount known prejudices, to ascertain the reliability of news sources can he make his paper worth while to him as the most comprehensive and timely news purveyor in existence.

IV

IMMIGRATION POLICY OF THE UNITED STATES

Character of Immigration

Since Columbus made his discovery, the life of the Americas has been characterized by successive waves of immigration. This continent has offered to millions of migrants from the old world new economic and social opportunities, a wider freedom, and a greater chance for personal development. In return the newcomers have woven their ideas and ideals into the fabric of a great nation. They have given of their industry, have sacrificed their blood, have borne and nurtured its citizens.

The English constituted the main contributors to the population in the seventeenth century. They were joined by the French Huguenots and Dutch who adopted their language and became one with them. In the eighteenth century there were large additions of Scotch-Irish and Germans. Finding the coast lands preempted they became the frontiersmen and acted as buffers against the Indians. While other racial elements were represented among the early settlers, the Anglo-Saxon race predominated and Protestantism was the principal religion.

This was the race which fought the War of Independence, which determined the tongue, the laws, and forms of government of the United States. The majority element was English-speaking from the British Isles. Quite naturally many of the ideals and customs of Great Britain were embodied in the institutions which its members established. The experiences learned as colonies, the influence of other nationalities, made the new nation an original experiment rather than a replica of any of the older forms of civilization.

The first official records of immigration to this country were made in 1820, but it was not until 1856 that any distinction was drawn between persons intending to return and those coming here to settle. Immigration in the early days of our national life was comparatively small, being but 8,385 in 1820

and only 22,633 in 1831.[1] While the number of immigrants steadily increased, it was the period of the forties and early fifties which gave the United States its first great waves of immigration. These were caused by economic and political conditions in Europe, and the people mainly affected were the Irish and Germans.

After 1842, there were few years when immigration did not far exceed 100,000. Besides the Germans and Irish, the English and Scandinavians contributed the greatest numbers during the middle of the nineteenth century. It was not until after 1882, a year when nearly 800,000 immigrants arrived, that the ethnic character of the population began to show a decided change. At that time eighty-seven per cent of the immigration from Europe and Asiatic Turkey was from western Europe and but thirteen per cent from southern and eastern Europe and Asiatic Turkey. By 1902 the proportion was twenty-two per cent from the first group of countries and seventy-eight per cent from the second.[2]

The new immigration was drawn from people representing in the main the Latin, Slav, and Semitic races; from backward lands where oppressive conditions, lack of education, and primitive industrial methods predominated. The older immigration had come from the more progressive and literate nations of Europe. One of the controversial questions of the twentieth century is concerned with this situation. Is the new immigration on a par with the old? Is it representative of the type of individuals with whom the older settlers can fraternize? Will the amalgamation of so many diverse stocks make a composite people, equal or better in character than the American people of to-day who are largely a Teutonic and Celtic mixture?

These questions can only be answered in the future, for already there are so many representatives of the new races in the United States that they cannot fail to affect in some degree the character of the people. Immigration restrictionists claim the new immigration is less desirable than the old and the changes made in our immigration laws in 1921 and 1924 had this idea in mind. Yet the same arguments brought against the new immigrant were used by restrictionists in the nineteenth century against the very classes now considered "desirable"—Germans, Scotch Irish, Irish. Scandinavians, etc.

[1] Davis, Philip, "Immigration and Americanization," p. 63.

[2] Commons, John R., "Races and Immigrants in America," pp. 63-71.

Four Attitudes Toward Immigration

The actual reasons for a restrictive or non-restrictive policy probably lie deeper and are more complex than the antagonisms of racial differences which seem to have been present ever since immigration to the United States first reached any considerable proportions. It is possible to divide restrictionists and non-restrictionists into four groups, remembering that persons belonging to one of the divisions may likewise hold the ideas of another division.

Internationalists. From a social standpoint there are the internationalists and nationalists. Internationalists are non-restrictionists. They believe in general that immigration is a great movement of peoples, that the boundaries of the world are likewise the boundaries of the individual. Within this radius he may seek his greatest opportunities. State lines should not be permitted to retard this "Volk Wanderung" motivated at least in part by an economic force ever seeking to bring about an equitable apportionment of land to people. Such a movement is too vast and fundamental to be checked by human laws. This idea was woven into the traditional ideal of America, the haven of the oppressed. It was definitely expressed by the United States government in the Burlingame treaty which declared that to man belonged the inalienable right to change his home and allegiance.

Nationalist. The nationalist sees a picture of the modern world similar to the pink, green, yellow maps of the geography. Each division is sacred to the people who dwell in it. Each contains ordinarily a different kind of people speaking a different language, accustomed to a different form of government, having a different social system and various degrees of civilization. The nationalist can see no justice in the idea that persons from backward countries should be freely allowed to migrate to an advanced country even to the point of retarding the progress in the latter. He holds that every nation has the right to regulate immigration. It may open the doors to all immigrants, may admit some and bar others, or may close the doors entirely. Its actions should be determined by the welfare and prosperity of its citizens. All undesirable peoples should be rejected. The urge or needs of any foreign group desirous of coming to a country should only be considered in the light of the effect such a migration would have on the citizens of that country. A nationalist may be a restrictionist or non-restrictionist according to whether he thinks immigration prospers his country or not. He may support a policy of

restriction toward certain races or groups of people, while freely admitting others. In general nationalists are representative of the group which has controlled our immigration policy since the latter part of the nineteenth century. This group has made it more and more a policy of selection, has changed the old ideal of America, the refuge of the oppressed, into America, the land of the fit. The nationalist hand can be seen in the legislation of 1921, 1922, and 1924 which is restrictionist in tendency, for the immigrants from the more backward nations are those on whom the limitation bears most heavily.

Capital. From an economic standpoint, there are two other factions interested in the question of immigration restriction—capital and labor. They may or may not be influenced by the motives of the nationalist and internationalist, but unless they assume a social rather than an economic point of view, they are fundamentally moved by selfish purposes. They have been influential in determining our immigration policy since the growth of big business in the United States in the period following the Civil War.

Capital is desirous of keeping the immigration laws as elastic as possible so that a large supply of unskilled, docile, cheap labor can be secured to carry on American industry. The capitalist claims that the almost unrestricted immigration permitted by the government for years is largely responsible for the industrial growth and power of the United States. He argues that without this artificial source of labor supply, American industry cannot expand and American capital will increasingly seek foreign lands for investment. He is not opposed to a policy of selection, especially if that policy is based on political beliefs and physical fitness rather than on standards of living or literacy.

Labor. Labor is restrictionist while capital is, broadly speaking, non-restrictionist. Labor argues that immigration unless restrained exposes the laboring classes in the United States to an impossible competition and retards their efforts at unionization. Unionists assert that could immigrants with standards approaching those of native Americans be selected, they would have less objection to immigration. They are nevertheless active on the side of restriction, for they believe that by curtailing the labor supply, wages will go up, the worker's standard of living will be raised, and unemployment will be lessened. This class of persons is more vitally concerned over immigration than any other class for they come into more direct contact with the immigrant. If their arguments are true, their attitude is not wholly selfish. It

is rather motivated by an instinct as old as man, the instinct of self-preservation.

History of Immigration Policy

The influence of nationalist, internationalist, capital, and labor can be traced in the history of our immigration policy. The internationalist idea, consciously or unconsciously, determined our governmental policy toward immigration until the nineteenth century passed the three-quarters' mark. America was the haven of the oppressed, the refuge of persons who for religious, political, economic, or other reasons sought the land of opportunity.

Nativist Movement. The nationalist was not idle during this long period of time. Agitation to exclude or restrict immigration started in small political groups, usually animated by the spirit of religious intolerance, by national feeling, and by the realization of the dangers threatening America from unrestricted immigration. The first political group of this kind was known as the Native Americans. It was dominated by anti-Catholic elements. In 1845 this movement claimed about 48,000 members and a small representation in Congress. This group demanded that the naturalization laws be repealed, that native Americans only be appointed to office. It suggested some greatly needed reforms —the exclusion of vagabonds and paupers and the punishment of owners of vessels introducing into the United States any alien afflicted with disease, insanity, idiocy, or convicted of crime. Their attempts to change our traditional policy were in vain. America was still the land for all. Few persons realized the menace of introducing the scum and diseased of other countries into the United States. Perhaps the attitude at this time is best expressed in the words of President Tyler, "We hold out to the people of other countries an invitation to come and settle among us as members of our rapidly growing family; and for the blessings which we offer them, we require of them to look upon our country as their country, and unite with us in the great task of preserving our institutions and thereby perpetuating our liberties."

The Know-Nothing or American Party. The failure of this attempt to bring about a change in our immigration policy was followed by a lull in the activities of the nationalists, but the increased number of immigrants in 1848 and 1850 from Ireland and Germany brought renewed agitation. Another movement was started. Like its predecessor, anti-Catholic, national, reformative in character, it spread rapidly. It gained many triumphs in

local politics, aspired to Congress, and won representation there. It aimed to increase the requirements for citizenship, to insure to Americans first choice for office, to refuse paupers and persons convicted of crime entry to the United States. The know-nothings like the nativists were unable to change our traditional policy. Years passed and no action was taken. All immigrants were still admitted no matter what their status or condition.

Law to Encourage Immigration. Indeed during the Civil War attempts were made to promote rather than restrict immigration. The war drew many workers into service while war needs stimulated industry. The native worker, confident of employment, was indifferent to immigration legislation. The capitalist agitated for a law which would facilitate the securing of foreign labor. Such a law was passed in 1864. It insured the validity of contracts made with immigrant workers. These contracts paid the laborer's transportation to the United States in return for unpaid service. As a result of this law several companies were formed which made it their business to secure labor for necessary work. The law met with much opposition. Objections were made to the workers' period of servitude, for they might sign away a year of life in return for transportation expenses. At the close of the war, the demand for labor slackened with the return of the enlisted men. Labor awoke from indifference and offered strong opposition to a measure which it felt exposed the native to severe competition. It was accordingly repealed in 1868.

Steps Toward Selective Immigration. The growth of industry after the war, the formation of great corporations and the strengthening of labor unions to meet the industrial conditions thus created made immigration an ever-present question to both labor and capital. The forces favoring some form of immigration legislation were gradually gaining supersedence over those indifferent or opposing all restriction.

The result of this changing sentiment can be read in the attempts made in Congress to exclude obviously undesirable classes, to impose a federal head tax on all immigrants, and to offer them some protection on arrival here. In 1875 a law was passed to regulate forced or contract immigration of laborers from the Orient. This law contained a provision which barred prostitutes from the United States. This was the first criminal class to be excluded. In 1876 the action of the Supreme Court further forced the hand of Congress. The court declared that all state laws imposing taxes on owners of vessels were unconstitutional. The states had used the revenues thus collected to support indi-

gent immigrants. This decision would compel them to tax their citizens to secure money for this purpose. Realizing the predicament in which the states were placed, the Supreme Court recommended that Congress use the power delegated to it by the Constitution and legislate on this important subject, enacting a set of laws applicable to the whole country.

Despite this recommendation of the court it was not until 1882 that the first general immigration law was passed. This law aimed to exclude the worst elements—convicts, lunatics, idiots, and persons likely to become public charges. In the same year Chinese laborers were debarred entry to the United States.[3] The law of 1882 marked the end of our traditional policy—that America was the haven of the oppressed regardless of fitness. While America was still looked upon as the refuge of persecuted peoples, qualifications were increasingly imposed. The change can best be expressed in the words of two of our presidents who, in rejecting immigration laws containing an illiteracy qualification, defined the attitude of the nation toward immigration. President Cleveland said, our policy "while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work." President Wilson said, "Hitherto we have generously kept our doors open to all who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential relationships of life." The new attitude can be traced in the acts passed since 1882. These are increasingly selective and may be said to have definitely turned the corner from selection to restriction in 1921 when only a certain number of immigrants from every country were admitted regardless of their desirability. By these acts the main classes excluded in 1924 were:

(1) The mentally disabled and persons afflicted with chronic alcoholism, tuberculosis or other loathsome and dangerous contagious disease.
(2) Persons unable to earn a living because of mental or physical disability and those likely to become public charges or already in the pauper or vagrant group.
(3) Criminal classes.
(4) Anarchists. Other radical individuals or members of organizations opposed to organized government and advocating its overthrow by force and violence, advocating the propriety of

[3] Policy of the United States toward Oriental immigration differs from the policy toward European immigration and is dealt with in chapter VII.

assaulting or killing officials of organized government, and advocating the damage or destruction of property, etc.

(5) Contract laborers, either skilled or unskilled. Persons engaged in learned professional or in domestic labor were not included in this group. Also skilled labor if otherwise admissible might be imported at the discretion of the Secretary of Labor if labor of a like kind could not be found in the United States.

(6) Unaccompanied children under sixteen unless coming to their parents or unless admitted if otherwise eligible by the Secretary of Labor.

(7) Stowaways except any stowaway might be admitted at the discretion of the Secretary of Labor if otherwise eligible.

(8) Persons deported under any provision of our immigration laws and seeking admission within one year of the date of deportation unless they had procured the consent of the Secretary of Labor prior to embarkation. Certain of the criminal and radical groups were not only debarred any return to the United States after deportation but were liable to punishment if they attempted to return.

(9) The greater part of the people living on the continent of Asia proper and adjacent islands. The main exceptions to this provision were the islands owned by the United States and Siberia and Persia. Chinese, Japanese, and all aliens ineligible to citizenship with certain minor exceptions were excluded.

(10) A certain amount of discretion in administering these provisions and the clause relating to illiterates was placed in the hands of the immigration officials acting under the Secretary of Labor. For instance otherwise inadmissible aliens might be permitted to enter the United States temporarily under bond and under the rule prescribed by the immigration authorities.

(11) Accredited officials of foreign governments and their suites, families, or guests were exempted from all provisions of the immigration acts.

(12) Illiterates. "All aliens over sixteen years of age, physically capable of reading, who cannot read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided,* That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for" certain of his close relatives whether they can read or not. Other aliens excepted from the illiteracy test included aliens who could prove to the satisfaction of the immigration officials that they were seeking admission to the United States to avoid religious persecution, aliens who had lived continuously in the United States for five years and sought readmission after leaving the United States for a period of not more than six months, and aliens in transit through the United States.

Discussion of the Illiteracy Measure. The passage of the illiteracy measure was secured only after long agitation, and many people still question its efficacy. As far back as 1892 attempts were made to introduce an illiteracy test into the law. At that time such a recommendation was made by the Senate committee but was not accepted. A bill providing for an illiteracy test was later passed by Congress and vetoed by President Cleveland. Agitation for such a test continued at intervals. The immigration laws of 1903 and 1907 both contained an illiteracy provision which was dropped prior to their enactment. In 1913 President Taft and in 1915 President Wilson vetoed immigration measures because they excluded illiterate immigrants. But the law of 1917, again rejected by Wilson, was passed over his veto and added another class to those already banned.

The main opposition to the bill came from the big employers of labor, steamship companies, railway companies, the Hawaiian Sugar Planters' Association, and others. It was their lobbying which helped to delay its enactment.[4] They were supported by internationalists and some nationalists who felt that such a law might keep out individuals who lacked educational opportunities and admit persons of a lower caliber who had gained a smattering of knowledge. Labor supported the law partly because it would serve to lessen the volume of immigration. Also literate persons on the whole have higher standards and are perhaps better off financially than illiterate. Other individuals agreed with labor and felt that from a national viewpoint the law was calculated to raise the level of intelligence of our immigrant population and to increase their ability to care for themselves. These elements were triumphant when the measure finally became a law.

From Selection to Restriction. Whether this law was restrictive as its opponents claimed or selective as its supporters maintained, with the passage of the Immigration Law of 1921 and 1922 and the Immigration Act of 1924 the immigration policy of the United States became restrictive.

The Immigration Law of 1921 received a pocket veto from President Wilson, who had consistently stood against further limitation of immigration, but it was approved by President Harding and became effective June 3, 1921. It was admittedly an emergency measure enacted to prevent the big immigration from Europe which threatened after the World War and which would have aggravated the period of unemployment and business depression through which this country was then passing. The

[4] "Races and Immigrants in America," p. 234.

measure was strongly favored by labor and met with little opposition from capital, well supplied with workers and opposed to radicals many of whom were foreign-born.

The Temporary Percentage Law of 1921 and 1922. As amended the main provisions of the law limited the number of immigrants who could come here in any one year to three per cent of the nationals of each country resident here in 1910. It exempted certain specified classes from the quota provision. It admitted aliens from Canada, Newfoundland, Cuba, Central and South America if they were otherwise admissible. It aimed particularly to curtail the number of aliens from southern and eastern Europe rather than those from northern and western Europe.

Immigration Act of 1924. The sentiment for increased restriction of immigration continued to develop in the United States and found expression in the Immigration Act of 1924. This bill was supported generally by persons with a nationalist viewpoint and by organized labor. It was especially popular in the western and southern sections of the country. It was opposed by the shipping companies with a big immigrant trade, by the foreign language press, by large employers of labor, and by those persons with an internationalist viewpoint. It was passed by Congress by a large non-partisan vote in both houses.

The Immigration Act of 1924 aimed to restrict still further the number of immigrants admissible annually to the United States. Under the act of 1921 and 1922 over 350,000 immigrants could come into this country yearly. Under the act of 1924 a reduction in this number to under 200,000 was contemplated. This reduction was first to be obtained by changing the quota basis to two per cent of the number of foreign-born individuals of each nationality resident in continental United States in 1890. After July 1, 1927, a limitation of 150,000 yearly was to be established and the quota percentage was to be based on the whole white population resident in the United States in 1920 with due regard for the national origin of that population.

Nationality, for the purposes of this act, was to be determined by country of birth, treating as separate countries the geographical divisions for which separate enumeration was made in the census of 1890 and making suitable revision for the changes occurring in those divisions since that time. In determining the nationality of an alien immigrant child under eighteen years of age accompanied by one of his parents he should be classed according to the nationality of the accompanying parent if such parent was entitled to a visa certificate. If accompanied by both

parents he should be classed according to the nationality of the father if the father was entitled to a visa certificate. In determining the nationality of an immigrant wife accompanied by her husband she might be classed according to her husband's nationality provided he was entitled to a visa certificate and the quota of her own nationality was exhausted.

Every immigrant before embarkation to the United States was required to provide himself with a visa certificate. This he could secure upon application to a consular officer under certain conditions. He was required to furnish certain specific information about himself as to his name, age, nationality, personal description, race, sex, occupation, etc., and this was contained in the visa certificate. The certificate should also state whether or not the immigrant was a quota or non-quota immigrant and was to be good for a period not to exceed four months. No certificate should be issued if the quota for the applicant's nationality was filled, if his application and papers showed him to be inadmissible under the immigration laws or failed to comply with the provisions of the act of 1924, or if, in the opinion of the consular officer, the alien would not be admitted under the laws of the United States. The possession of a visa certificate did not entitle any alien to enter the United States if on arrival at the port of inspection he was found to be inadmissible under the immigration laws of the United States.

An immigrant was defined in the act as any alien departing from a place outside the United States and destined for the United States with the exception of (1) government officials, their families, and various assistants; (2) temporary residents; (3) aliens in continuous transit through the United States; (4) aliens lawfully admitted to the United States who later went in transit from one part of the country to another through foreign contiguous territory; (5) a bona fide alien seaman serving on a vessel arriving in the United States and seeking to enter this country in pursuit of his calling as seaman; (6) an alien entitled to enter the United States in pursuance of his trade and under the provisions of an existing treaty of commerce and navigation.

Immigrants exempted from the quota and defined as non-quota immigrants included any immigrant who was (1) the unmarried child under eighteen or the wife of a citizen of the United States living in the United States; (2) an immigrant previously lawfully admitted to the United States who was returning from a temporary visit abroad; (3) an immigrant born in the Dominion of Canada, Newfoundland, or in the central or southern American countries

not under foreign control and his wife and unmarried children under eighteen years of age; (4) an immigrant employed as a minister or professor who sought to carry on his profession in the United States and who had been engaged in his calling for at least two years continuously prior to his application for admission to this country, and his wife or unmarried children under eighteen years of age; (5) students fifteen years of age or over who sought to enter the United States for the purposes of study.

All immigrants except those included in these provisions were quota immigrants and subject to the quota provisions. But in the issuance of visa certificates to such immigrants preference should be given to a quota immigrant who was (1) the unmarried child under twenty-one, the parent or the wife of a citizen of the United States who was twenty-one years or over, and (2) a quota immigrant skilled in agriculture and his wife and dependent children under sixteen. But the preference under two should not be held to apply to immigrants of any nationality whose annual quota was under 300. The preferences enumerated under one and two should not in any case exceed fifty per cent of the annual quota of any nationality.

No alien ineligible to citizenship should be admitted to the United States except (1) an alien admissible as a non-quota immigrant under provisions two, four, and five or the wife or unmarried child under eighteen years of age of an immigrant admissible under these provisions, or an alien who fell within the group excepted from the status of "immigrant."

Any alien who at any time after entering the United States was found to have been inadmissible at the time of entry or to have remained longer than permitted by the act was deportable except an alien child who was under sixteen when admitted who might remain under certain stipulated conditions.

The burden of proof rested on the alien regarding admissibility to or right to remain in the United States.

The provisions of the act were in addition to and not in substitution for previous immigration laws. Any alien although admissible under the provisions of this act should not be admitted to the United States if he was excluded by any provisions of the other immigration laws and any alien admissible under the provisions of the other laws should not be admitted if he was excluded under any provision of this act.

This act, like the temporary measure of 1921 and 1922, aimed to reduce the immigration from southern and eastern Europe and permit a larger proportionate number to come from northern and

western Europe. This was the reason that the census of 1890 was chosen as a basis, for at that time the preponderance of immigrants were from the north and west of Europe. The provision effective after July 1, 1927, would tend to have the same result. The act aimed to restrict immigration more rigidly than ever before. It sought to prevent many of the abuses of the previous act by inserting provisions which would prevent the separation of husbands and wives and parents and children because of differences in nationality. The requirement of visa certificates was also intended to right some of the faults of previous measures. In this way persons would be prevented from embarking in excess of their quotas and individuals obviously unfit would be refused a certificate.

V

CAUSES FOR EMIGRATION AND SOME OF THE DIFFICULTIES WHICH MAY ASSAIL THE IMMIGRANT DURING THE PERIOD OF ADJUSTMENT

Causes for Emigration

Some strong motive ordinarily lies back of an individual's decision to emigrate. He is not apt to leave home, friends, and customary pursuits unless driven by the pressing need of securing a livelihood, by oppression, by ambition or a spirit of adventure surpassing that of the average person.

The causes behind the great migration of peoples from the European countries to the United States are many. The settlers of colonial times came because of religious or political oppression, because of the desire to improve their economic condition or to escape the severe penalties for small offenses characteristic of old world conditions.

Faced with starvation on the failure of their staple crop, potatoes, the Irish migrants of the 1840's were compelled to leave their native land. Political oppression caused the German influx after the revolutions of 1832 and 1848. The economic motive combined with a desire to escape compulsory military service motivated the later migration of the seventies and eighties. The Jews have come to the United States over a period of many years largely because conditions have been made intolerable for them in their native lands. Down-trodden and discriminated against, they have eagerly sought the country which offered a wider democracy and greater equality of opportunity.

The immigrant from southern and eastern Europe is actuated by various reasons to leave his home. Sometimes the peasant finds it impossible to make a bare living on the land. The family group has multiplied. Land sufficient for five or six people must support ten or twelve. Chances for other employment in the neighborhood or even in the entire country may be slight, wages

low, rents and taxes high. Possibly military service is demanded of all males between certain ages or the government is arbitrary and the peasant feels himself oppressed. All of these factors combine to make him look longingly at the United States where others have gone before and have perhaps returned comparatively prosperous, have written back optimistic accounts of conditions in the new world. Publicity campaigns, the illegal solicitation of some steamship companies and industrial concerns, the natural desire to join relatives, who may help to furnish the funds for transportation, and the economic urge are additional causes for much of the recent immigration. Since the World War, the disturbed state of European business and politics has induced many to migrate. This migration would be considerably greater were it not for the restrictive laws of the United States in force since 1921.

The Immigrant En Route

The immigrant seldom leaves his home without some idea of where he is going in the United States and what work awaits him there. Often he intends to join friends or relatives who know of work he can secure. Sometimes the entire family emigrate together. From the moment they start on their journey until they become accustomed to life in the United States is a time of stress. It calls forth their best and worst characteristics. They are often required to adjust themselves to entirely new conditions. The economic and social customs which guided them in the old country may not serve them in the new.

The Immigration Act of 1924 makes some provision for examination of the immigrant in the consular office before he is given the visa certificate necessary for admission to the United States. This examination is intended to prevent the obviously unfit from ever embarking. It serves as an added check to the unofficial examinations of the steamship companies, carried on to meet the demand of the law which fines and penalizes companies shipping immigrants whose inadmissibility could have been determined by due diligence. But neither the visa certificate nor the shipping company's examination are guarantees that the immigrant may not be deported on arrival. The rejected immigrant suffers great hardship. Often he has sold his little property to secure money for the trip, has cut his ties, given up his occupation. A return means humiliation and economic loss. It means another long ocean voyage and readjustment into the old life which has often

been abandoned because of the impossibility of making a satisfactory livelihood.

Immigrants must be landed at one of the ports designated by the Immigration Bureau. New York is the largest of these ports and receives over three-fourths of all applicants. Before any of the immigrants can land the ship is subject to quarantine inspection. The immigrants are then turned over to the immigrant officials. The cabin passengers are not exempt from the law, but they receive official examination on shipboard. If eligible they may land without further delay. If not eligible they must go to the immigrant station like the others. After reaching the station all immigrants are given a medical examination by authorized government physicians. They are also examined for other causes which may make them ineligible and must answer a long list of questions and take an illiteracy test. If all these examinations are passed satisfactorily the immigrant is free to go. If they are not passed satisfactorily he must appear before a board of special inquiry. Appeal from the decision of this board may be made by the alien or by a dissenting member of the board to the Commissioner, the Commissioner General, and the Secretary of Labor whose decision is final. The sick immigrant is cared for until able to be deported. If his illness does not put him in the barred classes he is treated and later allowed to land.

Immigrant receiving stations have been severely criticized, particularly Ellis Island, New York. Conditions have been described as unsanitary, overcrowded, and inefficiently administered. Immigrants have sometimes been detained for weeks by the board of special inquiry without knowing the reason. Efforts are constantly being made to remedy these conditions and to make the immigrant more comfortable during his detention.

It is also charged that an insufficient number of officials endanger the efficacy of the laws. A hasty physical or mental examination carried on under pressure makes it difficult or impossible to detect the psychopathic personality, the mildly insane, or the high grade feeble-minded. These are the very persons most likely to become public charges and to prove an incalculable menace to future generations.

The immigrant, while he is in the immigrant station, is under such safeguards that he is protected from the exploitation of the unscrupulous. Women and girls are released to persons coming to meet them only when such persons can show themselves responsible individuals. If an immigrant is bound for an inland destination with prepaid tickets he is not discharged until he is

safely en route. New York City has fairly effective legislation to protect the newcomer from the dangers which beset the inexperienced, but should the immigrant's plans carry him beyond New York it is quite possible for him to receive his first impression of this country from the machinations of a supposed friend who robs him of his resources, leaves him penniless, defenseless, and without practical redress in a strange land.[1]

Industry

In such an event the immigrant is in need of securing immediate employment. But whether he meets with some untoward circumstance or not the great body of immigrants are poor and must work to maintain themselves. This is one of the reasons why they seek industrial work instead of following the occupation of farmer for which they are often better fitted. Without money to purchase a farm, if they continue in agricultural work, it must be as farm laborers. Such a life often carries no appeal either from the economic or social standpoint. It demands adjustment to comparative isolation in contrast to the community life to which the peasant immigrant has been accustomed. In return for this sacrifice there is a lower wage, longer hours, and less regularity of employment than in industrial work. Faced with this situation and anxious to join his friends or persons of his own race who for like reasons have located in industrial centers, the immigrant seeks industrial work.

If no arrangement for a position has been made with acquaintances in this country, the eager job hunter turns to newspaper advertisements, to employment agencies, or to persons with whom he comes in contact—the steamship ticket agent, the banker, restaurant keeper, store clerk, and landlord. Some of these sources are honest, but often the immigrant is exploited. The commission on industrial relations stated in its report of 1915 that the majority of the private employment agencies reeked with "fraud, extortion, and flagrant abuses of every kind." According to this report their outstanding evils were the exorbitant rates charged, failure to make uniform rates, splitting fees with foremen or superintendents, inducing foremen to discharge men so that the agency could procure more business and collect more fees for division, deceiving men regarding the job by misrepresentation of wages, hours, or duration of work, sending immi-

[1] Claghorn, F. H., "The Immigrant's Day in Court," pp. 4-7.

grant women to disorderly houses under the pretense of finding them employment as domestic servants. Often the advertisements contained in the press were inserted by these agencies which advertised fictitious jobs to bring business to their offices. They desired to get in touch with the job hunter that they might use him for their own ends.[2]

After the immigrant has secured work and has paid his employment fee, his superior who perhaps has been instrumental in getting the job for him may continue to deduct small sums from his wages under threat of discharge. Another abuse from which the foreign worker suffers is the withholding of wages. This practice was so flagrant in 1914 that it furnished the basis for one-fourth of all the cases handled by seven of the largest legal aid societies.[3] The wages are withheld in underhanded ways by refusing to pay promised bonuses, by claiming that wages have been paid, by giving worthless checks, etc. Wages are sometimes refused as a punishment to the man who takes a job and leaves before the time agreed upon.

Life on a farm has scarcely prepared the peasant immigrant for the processes of modern industry. Adjustment is difficult. The slow-moving, slow-thinking peasant finds it hard to make the rapid motions required in modern industry. Often he has no realization of the dangers surrounding him. Unable to understand or read English, unless directions are written and signs printed in his own tongue, he can comprehend little of the instructions given him. These are some of the causes behind the high accident rate of the foreign-born which is much above that of the native-born.[4]

The federal government and most of the states have laws governing workingmen's compensation, but these laws except certain occupations and sometimes make provision for a reduced payment or for exemption of all payment to the alien non-resident worker. Also there are many ways of evading even the best laws. Such evasion is peculiarly easy when an ignorant foreigner is the injured party. He may find his pay envelope reduced after his compensation has been paid. He may be induced to settle privately out of court for less than the amount legally due him. This is forbidden by most of the state laws except under certain conditions. But in practice the conditions do not always insure full payment to the employee. Before the New York law was

[2] "The Immigrant's Day in Court," pp. 10-11.

[3] *Ibid.*, p. 13.

[4] Davis, M. M., Jr., "Immigrant Health and the Community," pp. 352-354.

amended to prohibit direct settlement an investigation of 1,000 cases showed 114 greatly underpaid.[5]

The immigrant who determines to go on the land may also meet with dishonesty. Land sharks and dishonest real estate companies do not scruple to take all an immigrant's savings in return for a worthless or fictitious piece of farm land. They impose terms impossible for the immigrant to meet and make promises to furnish certain essentials necessary to the immigrant's success which they do not fulfill.

The immigrant farmer, like the immigrant worker, prefers the company of persons of his own nationality; for this reason he seeks to secure land in an immigrant farming colony. Many of these colonies have been successful. The immigrants and their children are loyal to America and anxious to remain here. But associated only with their own nationals, attending schools paid for and regulated by themselves, supervised by a town government composed of men of their own race, attending churches and social organizations likewise a product of their own efforts, they tend to remain unassimilated. It was from such communities that the native-born Americans who could not speak the English tongue were drafted in the World War.[6]

Law

The economic life of the immigrant needs special protection which is less necessary for the native-born. This need is also evident in his contact with the legal and social aspects of life.

The immigrant arrested for a petty offense, injured in industry, or the victim of a street accident may become the prey of the runner. The runner is the agent of unscrupulous lawyers. He secures business for them and in return receives a commission. He visits injured persons in their homes or in the hospitals and persuades them to sign agreements to employ the attorney for whom he is working. The runner may be a lawyer himself and working solely for his own interests. He may be conducting a business independent of any one lawyer. In such a case he induces his victims to sign contracts in blank for legal services. After securing a number of these blanks he trades them off to the highest bidder. The immigrant or his family, frightened and upset over the accident, anxious to secure some recompense, are easily deceived. Often they have little idea what they are signing.

[5] "The Immigrant's Day in Court," pp. 19-21, 27-28.

[6] Speek, P. A., "A Stake in the Land," pp. 130-131.

They may promise to give their case to several different men and agree to pay each a large share of any damages received. As a result they sometimes find themselves pledged to several attorneys whose various proportions of the possible compensation may equal more than 100 per cent.

The runner also plies his business around the court room and by deception induces the immigrant to give his case to a certain lawyer. The immigrant, ignorant of American customs, fearful of a prison sentence, is more than willing to trust himself to this seemingly able friend and to buy his way to freedom.

The immigrant's attitude toward law and order is apt to be influenced by the treatment he and his associates receive at the hands of officers of the law and by the experiences he encounters in the United States. It is unfortunate that there are so many ways both within and without the law in which the dishonest can rob the immigrant without being apprehended. But it is still worse when fraud and deceit, prejudice and partiality are found in the courts. This is particularly true in those lower courts where qualifications for office are not high, the remuneration small or dependent on fees, and the opportunities for corruption great. In such courts justices are found allying themselves with business concerns to find cases, even creating cases when necessary, and selling decisions to the highest bidder.

In industrial disputes both sides are prejudiced and embittered. The immigrant rather expects the court to favor capital. His expectation comes true if the court consciously or unconsciously has a bias against him as a "foreigner" or "bolshevist." The suspicion of the immigrant may be in accord with his European heritage. In some European countries courts are notoriously corrupt, sentences severe, freedom bought by bribery, and many matters prosecuted in this country left to family discipline or personal revenge.

Unfortunate experiences with law and officers of the law and with unjust treatment during strikes embitter the immigrant. They make him ready to accept radical propaganda and to affiliate himself with radical organizations. They do not prepare him for loyal citizenship.

Health

The immigrant also encounters dangers in connection with health agencies. Public health institutions, the dispensary or hospital, are at his disposal. But often he is suspicious of these agencies

as American institutions in which his inability to speak English make him feel strangely ill at ease. He may not have sufficient money to pay a private physician and with no one to warn or guide him, he may resort to the patent remedies and the quack physicians so convincingly advertised in his daily paper. The medical advertisements are described as possessing almost magic powers. They will cure all ailments from headache, anemia, and common colds to lung trouble, contagious diseases, and cancer. Needless to say the immigrant, deceived by these advertisements, spends his money uselessly.

More dangerous than the advertisers of patent remedies are those who give office treatment. They urge the immigrant to come to their well-equipped offices, make an imposing pretense of examination, scare their victims into believing they are seriously ill, prescribe a course of treatment, and charge them to the limit of their paying capacity. These offices usually employ a registered physician and are ostensibly controlled by him when in reality he is a figurehead for the financial backer. Their purpose is to deceive the ignorant, not to cure the sick.[7]

Home Conditions

While the immigrant has been meeting these possible industrial, legal, and health hazards, he has been fitting himself into a new social life and into new home conditions. As the majority of immigrants settle in the city, the first problem for the large number unaccustomed to city life is to adjust themselves to an urban existence under tenement conditions. If the immigrant has come to America alone, he either takes lodgings or persuades some friend to board him with his family. If he has brought his family, he secures a few rooms in a tenement building and perhaps takes boarders himself. Often he finds that these city communities are replicas of the life in the old country. The native tongue is spoken, the same customs and rites are carried on. Every large city has its alien sections—Polish, Italian, Jewish—entirely foreign in character and practically untouched by American life.

The home of the immigrant in these communities would scarcely make him an enthusiastic citizen. He is crowded into unsanitary, dark, and uncomfortable quarters where the few toilet, bathing, or washing facilities must often be shared with several other families. The immigrant is accustomed to poverty and bad living conditions, but if he was formerly a peasant, his life was an out-

7 "Immigrant Health and the Community," pp. 145-183.

door existence. His work and play were done in the open. His chances for health and strength were greater.

Tenement life is particularly hard on the women who are confined most of the time in the few unattractive rooms called home. Many of these women have been accustomed to the simplest kinds of housekeeping. They look back with regret to the days when clay floors precluded sweeping, when cooking was reduced to a minimum. They think of the time when the family was content with the simplest foods crudely prepared, when washing was a community affair done outdoors once or twice a month in nature's washtub, when bed-making was largely dispensed with, the family sleeping outside in the hay, on piles of straw or feather mattresses. Unfamiliar with the simplest rules of dietetics, the peasant woman does not realize the danger of substituting cheap meats and stimulating drinks for vegetables, fruit, and milk. She learns new ways of doing things with difficulty, and both she and her family suffer in consequence. She finds her work heavier and less healthful than in the old country. There she may have been an agricultural laborer, but she was working in the open and confining housework was reduced to a minimum. Her children come rapidly, and the death rate is high. The overworked mother must bear and rear her numerous offspring, must do all the housework for a large family practically without human or mechanical aid, and must frequently do outside work in addition or keep boarders to piece out the family income. She rarely has time to leave home to attend the classes carried on by schools, patriotic or social agencies. She is usually quite ignorant of English, is often entirely illiterate, as wives of immigrants are exempt from the illiteracy test required of their husbands. All of her early training has emphasized the subordination of women. A few immigrant women may be impressed by the greater freedom of women in this country and demand it for themselves, but the great majority remain indifferent. The very rigor of their lives precludes any mental growth and crushes independence of spirit.

The comparative scarcity of women among the new immigrants raises the danger of immorality and increases marital difficulties. Overcrowding, the custom of keeping boarders, new and stricter moral standards, more children than can be supported, overwork, are apt to bring discord and unhappiness and lead to desertion and infidelity.

The ability of the family to adjust itself to the new conditions determines its stability. The husband who insists on the divine right to rule which was his in the old world may find himself with-

out a wife. The parents who refuse to recognize the new contacts which their children are making in the schools and in the community and to change their methods accordingly alienate their children's affection. They are as detrimental to the children as those who go to the opposite extreme and abandon all attempt at control, permitting the younger generation to run wild.

Conclusion

The period of adjustment to American customs is difficult at best. Old restrictions and the force of community disapproval are lacking, for the foreign communities in the new world have neither the strength nor the ability to enforce community customs as they did in the old. Both men and women are affected by the removal of old restraints and find new ones perplexing, hard to adopt, or distasteful.

This difficult time may be made easier by our agencies of Americanization—the school, the social service worker, the district nurse, community houses, health centers, legal aid societies. But these institutions do not always reach large numbers of the newest immigrants. The immigrant who gets into difficulties through sickness, unemployment, disobedience to law, or exploitation is driven to seek their aid. The foreigner who is especially ambitious for himself and family is desirous of participating in the advantages offered. But the ordinary individual who successfully keeps out of trouble, who does not need to apply to social agencies, and who has no impelling desire to add to his already overfull day by attending classes in English, in dietetics, or infant welfare may remain almost wholly separate from such influences.

This is especially true of the woman whose work keeps her confined in the home. Her associations are wholly among persons of her own race, usually recent immigrants like herself. Often her work may keep her so secluded that even this companionship is practically denied her. If she is to be reached, it must be through the friendly visits of representatives of religious, social, educational, and recreational organizations who come not because she is sick, in financial or legal difficulties, but because she is a newcomer in a strange land and needs friendship, information, and encouragement. Tact, consideration, patience, a real desire to be of service, and the absence of any feeling of superiority are the necessary qualifications of such a visitor. Many visits may be necessary before a basis of genuine friendship is established. If the woman is to be given a real opportunity to partake in the

classes and community gatherings which the visitor has been advising her to attend, some way must be provided whereby her children and her work are cared for during her absence. Unless this is done it is futile to urge the mother of a family of small children, with a burden of work already too great to be carried on healthfully, to leave her home several times a week and attend classes whose worth she may question.

The immigrant man can be reached more easily. He is more likely to belong to some association designed to promote the welfare of members of his race and through which he will incidentally gain some idea of American ways. Whether this idea is favorable or unfavorable, whether it encourages loyal citizenship or not, depends on the character of the organization and the treatment its members are accorded in the new world. Business interests may likewise bring the man some practical understanding of American customs and ideals. He may gradually learn the English language through his contact with Americans or through his own efforts stimulated by the necessity of making himself understood and the ambition to advance. These influences will also affect the immigrant woman employed in industry. If immigrant man and woman meet with friendly treatment in their daily work, if they are accepted not only by other immigrants who may be working with them but by native Americans, the trade unions, employers or their representatives, and are treated like fellow human beings the chances are that they will learn to know and appreciate America. They will have a greater interest in participating in the Americanization work carried on for their benefit. If they are scorned and exploited as "hunkies" or "wops," if they are given the hardest and most disagreeable work, if they are neglected by the trade unions or unionized only when their competition is feared—then their chances of an understanding appreciation of this country will be slight and the danger of their becoming the recruits of revolutionary agencies will be increased.

VI

SOME OF THE ECONOMIC, SOCIAL, AND POLITICAL EFFECTS OF IMMIGRATION

Mal-distribution

Our immigration laws do not provide for any intelligent distribution of immigrants coming to this country. Immigrants are permitted to choose their own place of residence and occupation. Little is done by the government to direct this choice. There is no well-defined state or federal land program which will help the peasant immigrant to locate on the land. The result is his concentration in industrial centers and his employment in industrial work.

In 1920 over half the urban population was foreign-born or native white of foreign or mixed parentage. Three-fourths of the foreign-born white persons lived in communities of 2,500 inhabitants or over. This was an increase of approximately four per cent over 1910. In the same decade, the number of foreign-born whites had decreased in the rural districts by twelve per cent.

On the other hand but slightly over two-fifths of the persons of native stock lived in cities and their proportion in the total city population was greater in the small than in the large cities. While the native-born of native parentage dwell for the most part in the country and the smaller urban centers, the immigrants and persons of foreign stock are concentrated in the large cities. Their proportion to the total population is at a minimum in the rural localities and in the urban becomes increasingly great with the growing size of the city, reaching a maximum in cities of over 500,000.

In five of the largest cities of the United States, New York, Chicago, Boston, Cleveland, and Detroit, persons of foreign stock outnumbered those of native stock in 1920 by approximately four, three, three, two and a half, and two times, respectively. The foreign-born element alone practically equaled or exceeded the native-born of native parentage in each of these cities.

Some cities have so many representatives of certain races that they exceed in numbers the population of the great cities in their own home countries. In New York the Italian element, including its children, surpasses in numbers the population of Rome; the German element is greater than that of Cologne; the Irish about equals that of Dublin and Belfast together; and the Jewish is three times larger than the entire Jewish population of Great Britain.[1]

This concentration of immigrants and their children in the urban centers makes immigration peculiarly a city problem. Their tendency to locate in the larger cities makes it more especially a question for the great than for the small cities. If immigrants were scattered throughout the country in small numbers, if instead of large communities of immigrants, their groups were small, the question of assimilation would be much easier. Dispersed among native Americans, the old world habits would more rapidly give way to American ideals, the foreign to the English tongue. The evils of an overcrowded city—disease, pauperism, insanity, crime—would be lessened if there was no constant influx of persons largely from the poorer and less educated classes. Transfused throughout the country, the foreign influence on American life would be lessened. Concentrated in the largest and most influential cities, in foreign colonies within these cities, it becomes, for good or bad, great.

The mal-distribution of immigrants is evidenced not only by their tendency to gather in the city rather than in the country, but by the preponderance of their number in the eastern as contrasted with the western half of the country. In 1920 out of a total of some 13,700,000 foreign-born whites, 7,100,000 were located in the eastern states and some 3,290,000 in the east central states, making a total of about 10,390,000 odd in the eastern half of the United States; and leaving but approximately 3,300,000 for the western half of which 1,800,000 were located in the west central states and 1,500,000 in the far western states. It is evident that there are over three times as many foreign-born whites in the eastern half of the country, the half nearest the ports of debarkation, than there are in the western half. Over 1,800,000 immigrants or about one-seventh of this number are in the New England states alone, which comprise about two per cent of the total area of the United States; and over one-fourth are in the middle Atlantic states. The states having the greatest number of immigrants are industrial. They are Massachusetts,

[1] Speek, P. A., "A Stake in the Land," p. 130.

Rhode Island, Connecticut, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan.

Consideration of these factors shows that immigration is not only the problem of the city but is also especially the problem of the great industrial and eastern states. This does not mean that the effects of immigration do not reach throughout the country, but rather that certain places and certain sections of the country are more directly, immediately, and intensively affected than others. It is the eastern states which receive the inexperienced newcomers. On them the task of Americanization and assimilation falls most heavily. The western states, particularly the states of the far west, get the greater part of their European immigration from persons who have been in the United States a few years, for on arrival the majority of immigrants tend to remain near the port of entry. It is not until they acquire sufficient money to migrate that they gradually disperse throughout the country, the great bulk remaining however in the eastern states.

Industry

Partially responsible for this geographical mal-distribution of immigrants is their concentration in industry. Lack of land is not to blame for this situation, for there are millions of acres uncultivated in the United States which could be reclaimed or cleared for agricultural purposes. Yet with all this available land, even the peasant immigrant, who might be expected to have a preference for agriculture, in the majority of instances, is determined by social and economic forces to enter an industrial employment.

His financial inability to purchase a farm on first arriving in the United States, his objections to the occupation of farm laborer, his desire to locate with friends have been pointed out. Even if he wished to become an agricultural laborer, the native farmer might have a preference for native help and a prejudice against the foreigner. The immigrant is less likely to encounter any such feeling in the employer engaged in industry. In any event industry offers him a more assured and better paid occupation. If he saves enough money to become a farm owner, he is handicapped in securing land by his lack of knowledge concerning the farming areas of the United States and his liability to encounter the unscrupulous rather than the reliable land agency. For these reasons he and others like him become in the majority

of instances industrial workers, and European immigration assumes the aspect not only of a problem peculiar to the city and the east but a problem affecting particularly the industrial worker.

Ideas of Native Worker Concerning Immigration. The native worker has several well-defined ideas concerning the immigrant. He thinks that the constant influx of low-priced, ignorant immigrant labor tends to keep down wages, to displace the American worker, to retard industrial reforms, to increase the hazards of work, to render unionization difficult, to prevent workers' solidarity and the development of progressive unionism, to enlarge the chances of unemployment. He thinks that as long as there is any substantial amount of immigration, even should the government be successful in deflecting a part of it from industry to the farm, a larger part would still seek industry. Capital could still count on its cheap outside labor supply, and the standards of the American worker would be endangered.

Reasons Why Immigrant Can Underbid Native. The European laborer comes to this country hoping to better his economic status. Often he has been accustomed to the most primitive living conditions and has been driven forth by poverty to seek new opportunities in America. The standards of living, especially of certain races, are lower than those of the native American. Their members can live on less because they are used to less. Sometimes their wives and older children work and add to the family income. In this way they can manage to exist on wages often below the minimum standards in the United States; but they are not living in the healthful or comfortable surroundings which ought to be within the range of every person doing a full day's work.

If single such immigrants can reduce their living costs to a minimum by a coöperative boarding and lodging arrangement. Under such an arrangement, a group of men live together in quarters resembling a barracks. Sometimes they do the work themselves or coöperatively hire a housekeeper to do it for them. Sometimes they live in a family where the woman, for an insignificant sum, does all or part of their housekeeping. These living conditions are unsatisfactory at best. They involve a sacrifice which the immigrant is willing to make because he wants his money for other purposes. He may be saving to bring his family to America. He may be desirous of returning with his money to the home country. Accustomed to community life and to lower standards, his sacrifice is less than that of the American would

be if he were unfortunate enough to be placed in similar circumstances.

Displacement of Native Worker. The new immigrant is thus able to underbid the native and the immigrant resident in America for some time. They are gradually and perhaps imperceptibly displaced by this impossible competition. The workers thus displaced seek employment in other industries; are pushed upward into the more skilled and responsible positions as new opportunities develop from industrial expansion; are segregated in certain groups of occupations, often occupations paid by the week and month rather than by the day; or are perhaps driven to other localities where the immigrant has failed to penetrate.

Broadly speaking, it may be said that in the mining industry native Americans, Germans, Irish, British ceded their places to the newer immigration from southern and eastern Europe, predominantly the Slavic and Italian races. The rejected groups were either driven to the west and southwest to seek new openings in mines but recently developed, were content with confining themselves to certain types of work, or abandoned the industry entirely. The textile industry of New England shows a similar succession of races. Native Americans were gradually superseded by the Irish and other races from Great Britain. The latter were followed by French Canadians and finally immigrants from southern and eastern Europe. The same situation can be traced in iron and steel, anthracite mining, glass, textiles, clothing, and other divisions of manufacturing enterprise.

This process has been made less difficult with the continuous additions of new improvements in machinery which have lessened the call for skilled workers and increased that for unskilled. Unskilled work requires neither long service nor ability. Much of it demands physical strength and a capacity for hard work, requirements easily met by the immigrant. The displacement may extend over a large part of the labor field to a greater or less degree without the worker's conscious knowledge of what is taking place. The unskilled worker is pushed up to semi-skilled, the semi-skilled to skilled. Each class of labor is affected directly or indirectly by the pressure from below.

Sometimes the cause inducing the native or older immigrant to abandon his employment for other work is psychological rather than economic. The average foreign workman after he has lived in the United States over a long period of time has acquired many American customs and ideas, has changed his mode of life. If he comes from Great Britain, Germany, or some of the other more

advanced countries, his standards may have always approximated those of the native American. He feels, with the native-born workman, a certain prejudice against the recent immigrant. They are both apt to look upon him as an inferior. There is a certain stigma attached to working with him. His ignorant ways, his awkward foreign manners and customs are repulsive to the American worker who tolerates him with difficulty and may give up his occupation if the number of such workers becomes too great.

This attitude on the part of the American or Americanized workman is not of recent origin. The native American of the middle eighties resented the Irish, British, and German immigrants, who in their turn disparaged the Slavs and Italians. But the older immigrants had one great advantage. Many of them spoke English and so could meet the Americans on a different footing and were in a better position to become Americanized.

Trade Union and Immigrant. This prejudice is fostered by the reluctance of some of the new immigrants to join the trade union. This reluctance was by no means confined to foreigners in the earlier days of unionism. At that time native Americans, with their individualistic spirit, were partly responsible for the slow growth of the union in certain localities. The feeling against the foreign workers is also increased by the willingness of some of the new immigrants to work for low pay under bad conditions and their reluctance to sacrifice in order to promote industrial reforms.

Immigrants who have been engaged in industrial employment in countries highly unionized join an organization in this country quite as a matter of course. They are often more progressive in their views than native labor, have done much to advance the growth of unions, and have served as a nucleus from which to unite their fellow workers. The increase of unionism in Europe, particularly in Italy and Russia, has meant a constantly smaller number of immigrants with no acquaintanceship with unions; but there are always many from the more backward countries who are totally unfamiliar with union practices. If peasants, they may have been dependent on their crops. They may never have received wages or been members of an industrial organization. Under immediate necessity of securing a job, they take the first offer without much debate over wages. Usually the amount paid is higher than they have been accustomed to earning. Unacquainted with the high cost of living in this country, they feel themselves rich.

If the immigrant has never been industrially employed, he has no experience on which to base his opinion of working conditions. He does not recognize the necessity of sanitary and safe living conditions. He wants to make as much money as he can, as quickly as possible. He sees no special purpose in joining a trade union, paying union dues out of his savings, engaging in an expensive strike to better conditions which seem good to him. If the union is strong enough, it can coerce him into joining. He may even be given work on this promise. But the union has been greatly weakened or entirely disrupted as a result, at least in part, of immigration. This has been true when immigrants, often illiterate and unable to speak English, have entered an industry in such large numbers, over such a short space of time, that the union has been unable to cope with the situation. It has sometimes been the case when they have been widely used to break strikes, have secured an opening in an industry where the union, unsuccessful in its struggle, has lost ground. A demoralization of the union has likewise taken place when the introduction of machinery has permitted the employment of unskilled workers in occupations once skilled and controlled by the craft unions. The American Federation of Labor has often failed to unionize the immigrant because of its formation. Craft divisions are designed primarily for the benefit of skilled workers. Such workers may have no affiliation with or interest in the unskilled who can only be organized into the less important federal labor unions, connected directly with the American Federation of Labor. The immigrant has been quicker to appreciate and to join industrial unions which have made a special effort to secure his coöperation. These organizations seem more democratic, for no divisions exist between the skilled and unskilled and all the workers in a particular industry are eligible for membership. The United Mine Workers of America, the Amalgamated Clothing Workers, the Industrial Workers of the World, are examples of industrial unions, successful in their efforts at unionization in industries having many immigrant workers.

The large number of immigrants in industrial unions has prejudiced the native American against this type of organization. Ordinarily belonging to the group of skilled workers, he is particularly partial to the craft division. The large industrial unions have adopted advanced and in some instances radical programs. The reaction of the native worker has been toward extreme conservatism. Progressive measures long since adopted by Great Britain and other strongly unionized countries have been rejected

in the United States, where workers are less solidly united, tending to divide on race lines. The accusations of disloyalty, radicalism, or foreigner have stood in the way of workers' solidarity, have caused the adoption of new ideas only with reluctance.

Unemployment and Business Crises. Immigration and prosperity tend to advance along parallel lines. During prosperous times, we have increased immigration; during times of depression, decreased. This is partly the result of reports sent to Europe by immigrants in this country. When jobs are plentiful and wages high, the immigrant urges his friends and relatives to migrate and can perhaps send them transportation money. When the reverse conditions are true, he can no longer pay their passage, nor can he agree to help them find work. Instead, he warns them to remain in Europe and may himself emigrate to his home land. But the emigration curve lags behind the prosperity curve. Immigration continues large after business has commenced to decline. Authorities differ as to the effect of immigration on unemployment; but in the main they agree that it may be one of the augmenting factors of both unemployment and business crises. A business crisis is usually preceded by a time of prosperity. Production is carried on on a large scale. There is a corresponding demand for workers which has in the past been filled by immigration. This tends to keep wages from rising rapidly for with the growth of business, there is no labor scarcity. The entrepreneur can borrow money at comparatively low interest rates as these do not advance as rapidly as prices. Receiving large returns which he does not have to divide with either capital or labor, he increases his production to a point beyond advantageous sales. The result is the recall of credit, high interest rates, business curtailment, unemployment, decreased wages, and lower prices. When the employer is limited in his supply of labor, wages tend to approximate more nearly the advance in profits. A constant labor supply helps to check the excessive expansion of business. Crises tend to come less often, with less severity, and there is less unemployment. But unemployment is less the result of immigration than of seasonal occupations and an oversupply of labor for certain industries which demand large numbers of workers at rush seasons, laying them off when business is dull.

The Immigrant as a Factor in Social and Political Problems

Pauperism. The immigrant, at the bottom of the industrial ladder, employed in unskilled work, is especially easy to hire or

fire. His wages do not allow for a wide margin of savings to carry him over a period of unemployment. Yet unemployment is only one of a series of misfortunes which may force him to apply for relief.

Immigration restrictions barring the disabled, persons liable to become public charges, and those who do not possess a certain money minimum can reduce the latent possibilities of pauperism among the foreign-born but cannot protect them from hazards which may prove too great to surmount. The efficacy of the law is evidenced by a comparison between conditions in the middle nineteenth and the twentieth centuries. Before its enactment America was a dumping ground for the paupers of other countries. Statistics for 1850 show that a native-born population of 21,947,274 contributed 66,434 of the paupers wholly or partially supported by public funds, while a foreign-born population of 2,244,602 contributed proportionately over ten times as many, or 68,538. The first decades of the twentieth century show the ratio to have been reduced to about four to one.

It is the immigrant who has been in this country a number of years that is particularly apt to become a public charge. This conclusion was reached by the immigration commission after investigating the records of associated charities in forty-three cities which included most of the large immigrant centers, New York alone excluded. It is substantiated by statistics of the United States census which show the proportionate number of paupers among the foreign-born to exceed that of the native-born most greatly in the age group over sixty. These statistics also indicate that the older immigration, whose members have had a chance to grow old or who were perhaps admitted before the enactment of the laws designed to bar the indigent, furnish a larger share of paupers than the more recent immigration.

The majority of arriving immigrants are adults in the prime of life, young men or women capable of earning a livelihood and unhampered by family obligations, married men who have left their families temporarily in Europe, or dependents who have been sent for by relatives willing and supposedly able to support them. The wage earner's chances to secure a livelihood are greatest at this period. After he has been here for many years he is no longer young. He has in all probability married or, if married when he came here, has brought his family to the United States. The foreign-born have large families and can ill afford to lay by for the inevitable contingencies of life—unemployment, sickness, accident, old age, death. Hard work, low wages, long hours, poor

food, unsanitary and crowded living conditions, excessive childbearing on the part of the mother, the necessary adjustments to climate and to new kinds of work under different conditions, are factors which it seems reasonable to suppose would tend to increase pauperism and raise the sickness, insanity, death, and crime rates of the foreign-born.

Disease. Morbidity statistics are hard to obtain and are incomplete. But those available seem to indicate that the general morbidity rate is higher for the foreign- than for the native-born, that there are certain racial differences in the liability to disease.[2] This was particularly evidenced in the army medical examinations. Proportionately more foreign- than native-born were unable to meet the standards, were given limited service or rejected. Fewer were fit for full military service.[3]

Insanity. What is true of sickness is still more true of insanity. Even after allowance has been made for the greater number of adults in the foreign-born group, with their greater liability to insanity, the adjusted foreign rate for insanity is approximately one-fourth greater than the native. The opposite condition ought to hold true, for the foreign-born are supposed to be a selected body from which all persons afflicted with or having tendencies toward mental disability are weeded out by our laws. The fact that this is not the case shows the effects of immigration with the excessive readjustments it requires and possibly indicates a greater natural liability to mental disease. The same factors probably combine to increase insanity among the children of immigrants or of mixed parentage. While these children do not themselves have adjustments to make, they may feel the effect of the strain upon their parents, may live in the same bad environment, and may inherit a tendency to mental disease. Whatever the reasons, the insanity rate for persons of foreign stock is below that of immigrants but is higher than that of native stock.

Death and Birth Rates. If the foreign-born have a greater liability to physical and mental disease, it is to be expected that their death rate will be higher. In 1920 the foreign-born comprised only 13 per cent of the population but they furnished 19.6 per cent of the deaths. Their higher death rate was offset however by a much greater fecundity. The birth rate of the native-born was 62.3 per 1,000 females 10 to 59 years of age and that of the foreign-born was 92.7. The birth rate for different races shows a wide variation. Races from northern and western Europe

[2] Davis, M. M., Jr., "Immigrant Health and Community," pp. 40-41.
[3] *Ibid.*, pp. 31-34.

in general have a lower rate or approximately the same rate as that of the native-born. Races from southern and eastern Europe have high rates on the whole. As the majority of the latter group of races are, broadly speaking, comparatively recent arrivals whose home countries in many instances show a higher birth rate than the native countries of the former group, the reasons for this are obvious. New immigrants almost invariably have a high degree of fecundity which lessens with subsequent generations. Backward countries in general have a higher birth rate than more civilized nations, and their immigrant citizens are likely to show the same or greater tendency toward reproduction.

Crime. The maladjustment of the immigrant is evidenced by his seemingly greater liability to disease, insanity, death, and even by his higher birth rate which persists only through the first generations. It is also manifested in the greater amount of crime attributed to him. There are proportionately twice as many commitments to penal institutions for the foreign-born as for the native-born. This is partly due to the abnormal age and sex distribution in the foreign-born group. In this group there are a disproportionately large number of young adult males with their greater liability to commit crime and a correspondingly small number of women and children with their lesser criminal potentialities. But while this fact accounts for a part of the higher crime ratio of the immigrant, it does not account for all. The foreign-born, after due allowance has been made for age and sex distribution, still have a higher criminal ratio than the native-born. A comparison based on the unit of 100,000 white male population of the same race, nativity, and age shows the number of white male prisoners and juvenile delinquents in the foreign-born group to exceed that in the native-born in every age group. The difference is especially great in the age group seventeen and under, diminishing to comparatively little between the ages twenty-one to fifty-four, and becoming larger again in the older age groups. Moreover the native-born of foreign parentage have a crime rate approximately a third higher than the native-born of native parentage. This is true despite the normal age and sex distribution of the former and their larger number of children. The criminal ratio for the native-born of foreign parentage, like that of the foreign-born, is particularly high in the young and old age groups.

It has been pointed out that the period of adjustment often especially affects the immigrant's family life. Marital difficulties, infidelity, desertion, abusive treatment, incompatibility, tend to

increase as old customs give way to new. Children, learning American ideas, rebel against parental authority of their old world parents, or continued friction causes the parents to abandon all restraint. These conditions raise the immigrant's liability to crime and may be one reason for the especially large proportion of foreign-born and native-born of foreign parentage among the juvenile delinquents. Another reason is the relatively larger number of immigrants resident in those states which have adopted the practice of committing juvenile delinquents to special institutions for reformatory treatment.

The ratio of criminality is determined to some degree by economic status. The fact that so many foreigners belong to the poor or very poor raises their liability to crime. While they are adults in the prime of life, this factor has less effect on their crime rate which approximates that of the native-born. As they grow old, their earning powers are lessened. They have been unable to lay by the necessary surplus for this period of life and so are more likely to become drifters or vagrants. The economic differences between them and the native-born widen as do the differences in their criminal ratio. The poor man cannot buy his way from prison by paying a fine. He cannot afford as competent a lawyer as can the rich man. There is a greater proportionate number of immigrants imprisoned for non-payment of fines than native Americans. This may be partly the result of poverty and partly the consequence of their greater liability to fine, a relatively greater number of their offenses being minor.

Immigrants not only belong largely to the poorer classes, but they are concentrated in the city in contrast to the native population, the majority of whose members live in the country. The temptation to commit crime and the opportunities for doing so are greater in the large city than in the rural community. Geographical location militates against the foreign-born in favor of the native-born. Other conditions which weigh in the debit balance are an often greater ignorance of American law, inability to speak or understand English, exploitation from unscrupulous lawyers and justices, the unconscious prejudice sometimes aroused in the native-born judge. When all factors are considered, apparently it is not a greater inborn tendency to crime that is responsible for the higher criminal ratios of the foreign-born, but the economic and social circumstances surrounding their lives.

Old World Influence on Reforms and Naturalization

The immigrant ordinarily is representative of the less educated and prosperous classes of people in his home country. Enterprise, assistance, or persuasion induce him to come to America. He brings with him all the customs, traditions, prejudices, and ideas which have surrounded him from childhood. Fortunately or unfortunately, if he is an adult when he migrates, these are indelibly stamped upon him. He may adopt American customs but with reservations. This is only natural and normal. If the American emigrated to a foreign land, he would be most unlikely entirely to forget or discard his American ideals and habits. The immigrant, especially if he comes from certain countries, brings with him ideals differing greatly from our own. He is affected to a greater or less extent, varying with the kind of conditions which surround him, by American influences, but also he affects to some degree America and its citizens. This influence is exercised through his children, through contact with other individuals, through the interaction of any immigrant community on other racial communities, through citizenship and the ballot.

The Woman Movement. The immigrant women tend to have a retarding effect on the woman movement in this country. This results from their belief in their own inferiority and their subordination to men, from their submissiveness, their circumscribed life and limited opportunities to acquire new ideas or contribute in any concrete way to the progress of America. Until 1922 they acquired citizenship, if otherwise eligible, upon the naturalization of their husbands. Membership in the state was thus thrust upon them whether they wished it or not. In 1922 the citizenship of married women became by statute practically independent of their husbands, but before that date a vast body of ignorant and indifferent women had already become involuntary citizens. With the passage of the woman's suffrage amendment in 1920, this great body was enfranchised. The influence, which in the past was felt largely through husband and children, now became effective through the ballot. Its possibilities as a check to women's progress can be traced in the actions of male immigrants from countries hopelessly antiquated in their treatment of women.

Women suffragists are still bitter over the fact that male immigrants were in many instances a determining factor in denying to native-born women, many of them descendants of the

founders of the republic, the right to vote. A paradoxical situation was thus created which permitted the foreign-born male, sometimes while still an alien, to have a voice in deciding whether a large proportion of native-born American citizens be given the franchise. The immigrants, opposed to suffrage for women, were actuated partly by their preconceived ideas concerning woman's place, partly by unscrupulous influences willing to buy their vote and use it against the women.[4]

Prohibition. The prohibition measure was another reform which met the opposition of great numbers of the foreign-born. Their reaction was the natural consequence of their training in the old world, and their economic position as unskilled workers. Liquor to them appeared almost a necessity. It often demoralized their home lives, drained necessary funds from wives and children; it was partially responsible for the large proportion of crime committed by members of their group; but it served as the basis of social gatherings of the males of a community and was to them a source of pleasure.

Part of their reaction against woman suffrage was the fear instilled by liquor interests that the women's vote would bring prohibition. Even had the immigrant been less personally interested in preventing the passage of an amendment forbidding the sale of alcoholic beverages, he might have feared to vote against an often dominant force in his district, the saloon.

In this way, two of the most progressive reforms undertaken by this country in the twentieth century—the enfranchisement of a great body of its citizens, the attempted destruction of a force responsible for much of the suffering and misery in the world—were opposed by large numbers of immigrants. Their opposition was shared and in some instances illegally directed by native Americans, but other native Americans, both women and men, furnished the spirit and life which finally pushed the amendments to victory.

Slavery. Another great social movement occurring in the nineteenth century, the abolition of slavery, met a different reception. European peasants and workers, unfamiliar with the institution, recognizing in it a dangerous economic competitor, helped to strengthen the abolition group in the north. When the Kansas-Nebraska Act opened new federal territory to possible slave settlement, eighty German newspapers out of eighty-eight were opposed to the measure. In the Civil War, proportionately more Germans

[4] Prior to 1910, ten states permitted male aliens to vote on their declaration of intention to become citizens.

and Irish than native Americans fought for the union and emancipation.[5]

Radical Organizations. While the vote of different factions of immigrants has been directed and controlled by dishonest forces in the past, the immigrant, like any other human being, tends to vote according to the dictates of experience, training, and personal interest, if left to his own devices. He may be ruled like many other individuals by inertia and indifference and take small part in the life of his adopted country. His experiences and education may have made him reactionary in certain respects and his vote reflects his attitude. They may have made him radical, and he joins a party pledged to right his wrongs. While some of our immigrants are backward to the extent of patriarchical ideas concerning women, others are advanced to the extent of the most radical political ideas. It can probably be safely said that the foreign-born and their children are in the majority group in radical organizations, and similarly in proportion to their numbers they are in the majority group of the poor. The dissatisfaction bred of their inability to secure the comforts and often the bare necessities of life is expressed by the most adventuresome in joining a society pledged to secure a redistribution of property, new forms of government, or the absence of all government. Sometimes their ideas are acquired in the old world as a subject and oppressed people, as members of socialist groups more strongly organized than in the United States, or as citizens of a country in the process of trying out socialist ideas.

Naturalization. The effects of oppression are manifested in other ways more acceptable to Americans than the joining of radical societies. In general those immigrants coming from countries where economic opportunities are restricted and governments are autocratic tend to become naturalized citizens of the United States within a shorter period of time after migration than persons emigrating from more prosperous countries with better economic and social conditions and more democratic forms of government.[6]

Naturalization has in recent years become increasingly difficult. An exception to this statement is the period of the World War, when there was a wholesale naturalization of the alien soldiers in our armies, and the usual requirements for citizenship were temporarily abrogated. Usually any alien, male or female, who wishes to become naturalized must comply with certain regu-

[5] Schlesinger, A. M., "New View Points in American History," pp. 11-13.
[6] Gavit, J. B., "Americans by Choice," pp. 244-245.

lations. It is first necessary to make a declaration of intention. This can be made any time after arrival if the applicant is eighteen years old or over, can sign the petition in his own handwriting, and is able to speak English. After he has resided in the United States for five years or more and in the state or territory in which he makes his application for one year, he can take out his second papers. Not less than two years or more than seven can elapse between his first declaration and his petition. Affidavits of two reputable citizens of the United States stating they have known the applicant for five years continuously and that he is of good moral character must accompany the petition. Later he has to appear in court with the same two citizens, renew his adherence to the declarations made in his petition, submit to examination, take the oath of allegiance to the United States government. If the judge is satisfied that he is a good potential citizen, he is then given his certificate of naturalization. The whole proceeding can be turned into a most superficial investigation, large numbers of aliens being simultaneously admitted to citizenship with few preliminaries by an overworked judge. But the tendency seems to be toward an increasingly strict application of the regulations.

The foreign-born woman married to an American citizen is no longer a citizen by virtue of that fact alone. If eligible to citizenship, she must go through a naturalization process which is easier than that of the naturalized male. She need not make any declaration of intention, and the required period of residence is shortened to one year which must immediately precede the filing of her petition. No married woman whose husband is ineligible for citizenship can become a citizen, but the opposite condition does not hold true for the married man.

Conclusion

The foreign-born constitute a question for Americans to solve, a question which has been with us since immigration first reached any proportions. Immigrants have always competed directly or indirectly with the native-born worker. When all alleviating factors are taken into consideration, the fact remains that they have always contributed a disproportionate number of the undesirable classes, that the presence of an ever-renewed body of immigrants in a city community augments the complexity and seriousness of social problems. The foreign-born may deter or advance reformative measures in accordance with their own experience, training, or education. If these have neglected im-

portant social questions such as sanitation, health, morality and have taught the subordination of one sex or one class to another, an unfavorable reaction to reforms based on such considerations may be expected. In any event a long period of time must ordinarily elapse before the average foreigner can become an integral part of the national group with an understanding of American government and ideals.

Disillusioning experiences will tend to lengthen this time to infinity. If the ideals of equality of opportunity, self-government, and liberty are never encountered in daily life, they become an empty mockery. If long hours of daily work at heavy and monotonous tasks do not bring a sufficient return to enable the toiler to live in comfortable, clean surroundings, to have sufficient food for himself and dependents, to enjoy some of the pleasures of life and still make provision for its vicissitudes, radical organizations will continue to grow and disease, pauperism, crime, and insanity to flourish.

VII

JAPANESE IMMIGRATION

The question of Japanese immigration is of particular concern to the states of the far west. The problem of assimilating the Japanese is more difficult than the problem of assimilating the European because of the greater differences in traditions, ideals, color, and general appearance. Partly because Japanese immigration presents a race question, partly because disturbances recur between whites and Japanese in California, an international as well as an immigration problem is connected with the exclusion or admission of the Japanese.

Japan is a proud nation. She dislikes to see official regulations adopted which discriminate against her citizens and not against those of European countries. She recognizes the need of a suitable place in which her colonists may settle. Japan supports a population close to 56,000,000, which amounts to about 380 inhabitants per square mile of Japan proper. The actual human density is much greater than this, for Japan proper is not fertile land, is even quite uninhabitable in parts. Only one-fourth is plain land, suitable for agricultural purposes, though in 1919 the Japanese government made plans to reclaim and render fit for cultivation several million acres heretofore useless, to be offered to the people on easy terms.

Whether the industrial and agricultural opportunities in Japan are such as to preclude any actual necessity for emigration is a controversial question. Even did no vital economic urge exist, there are many ambitious Japanese anxious to migrate in the hope of improving their condition. Were there no restrictions barring them from the United States, the Pacific coast would offer them the chance desired.

Mal-distribution

The Japanese question is a recent one. Immigration from Japan never reached any proportions until 1900 when some 12,600 immigrants were admitted. The gross number of annual immigrant arrivals has never been large. Were it not for their tendency to concentrate in a few states and in one state in par-

ticular, the problem would have aroused less interest and agitation. The great bulk of the Japanese are located in California, Washington, and Oregon. California has over four times as many as Washington and over seventeen times as many as Oregon. Indeed approximately sixty per cent of the entire Japanese population are collected in that state.

Comparison of Japanese and Chinese Questions

Opposition against the Japanese is both economic and social. It is based on the same general arguments which were used to exclude the Chinese. Both races come from countries with ideals and standards differing greatly from the United States; both are races of color. As with other immigrants, their coming is regarded with approval or antagonism, according to the degree of actual contact and the viewpoint taken—national, international, capitalist, labor.

But the factor of color tends to cloud the issue and to strengthen the opposition forces. Up to 1924 the United States adopted a different attitude toward the Chinese and the Japanese. Chinese laborers had been excluded by law since 1882, Japanese laborers by agreement since 1907. Partly as a result of this difference in policy, the Chinese question, acute in the latter part of the nineteenth century, had assumed a very minor place by 1920. Under the exclusion laws the Chinese population was dwindling, having decreased from 71,000 odd in 1910 to some 61,000 in 1920. The Japanese population, on the other hand, was increasing, being but 72,000 in 1910 and 111,000 in 1920. In California alone the Japanese population had practically doubled itself in the ten year period, increasing from some 41,000 in 1910 to some 87,000 in 1920.[1] If the purpose of the regulations against Orientals was to discourage their permanent presence in the United States, it had been much more successfully achieved in the case of the Chinese than in that of the Japanese.

Gentleman's Agreement

The Gentleman's Agreement between the United States and Japan was the result of much agitation in California, at times

[1] These are the figures of the California state board of control. United States census figures show a considerably smaller number, approximately 72,000 in 1920. If a mean between these extremes is taken, the Japanese population of California would have practically doubled itself.

almost reaching the proportions of a race riot. Prominent Japanese were hissed, stoned, and debarred public parks. Attempts were made to segregate Japanese children in the schools. The small farmer, the farm laborer, the trade union were all alive to the potential menace of a low priced Oriental labor force. They had successfully excluded the Chinese. With this precedent, it was not difficult to raise public animus against the Japanese. The color issue simplified their task and won them many adherents who would have welcomed a similar supply of laborers from a white race. It was claimed that large numbers of Japanese were coming from Hawaii, Mexico, Canada, Korea—laborers who had received passports to settle in those places and had used these passports as excuses to go to the United States. The fears of the Californians were not without foundation, for the number of Japanese immigrants had increased from 13,835 in 1906 to 30,226 in 1907.

In response to this strong state feeling, Congress acted, and the following clause was incorporated into the immigration acts:

"That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone."

In accordance with this legislation, a proclamation was issued by the President excluding "Japanese or Korean laborers, skilled and unskilled, who have received passports to go to Mexico, Canada or Hawaii, and come therefrom."

The executive order was followed by a general understanding between the United States and Japan by which the latter voluntarily agreed to issue passports only to non-laborers. All laborers, skilled or unskilled, were to be refused. The classes excepted from this provision included laborers formerly residents of the United States; the parents, wives, or children of residents; and settled agriculturists, persons seeking to assume active control of an already possessed interest in a farming enterprise located in this country.

Skilled or unskilled laborers were defined as workers engaged in an essentially physical or at least manual employment. Farmers did not necessarily fall in this group, and the possessor of a small plot of land in Japan might conceivably be given a passport as a farm owner or non-laborer. On coming to the United States this so-called farmer, without either sufficient funds or experience to become a farmer, might enter the farm labor class.[2] Such a procedure could be true of any calling. The fact that a man was engaged in a certain type of employment in his own country was no criterion that he would continue in that work on arrival in the United States. Those classes doing professional, artistic, mercantile, or clerical work, work neither distinctly manual or mechanical, encompassing such occupations as designer, pharmacist, photographer, copyist, stenographer, salesman, etc., were likewise admitted.

The terms of the agreement gave Japan, rather than the United States, the determining voice in deciding the status of an individual. An immigrant viséd in Japan was only deported if he fell within the general immigration restrictions applying to all immigrants and calculated to bar the physically, mentally, morally, and socially unfit. For these reasons, the agreement received much criticism, though Japan was vigilant in carrying out its terms.

Result of the Agreement. It resulted in the limitation and improvement rather than the exclusion of Japanese immigration. In 1908, the number of immigrants fell to almost half. In 1909, it was but 3,275. By 1910, the low water mark or 2,798 was reached. From 1913 to 1917 the yearly immigrant arrivals ranged between 8,000 and 9,000, reaching a maximum of over 10,000 in 1918 and 1919, and sinking back to approximately 6,300 in 1922. When immigration and emigration are both considered, the annual net result shows a still smaller number of Japanese settlers. (See the table on page 104.)

For the twelve year period, 1910 to 1922, the total Japanese net immigration equaled 70,717. Of this number 42,197 came to continental United States and 60 per cent named California as their final destination. It is interesting to note that from 1919 to 1922 a smaller proportion of the annual net immigration settled in California than in any of the years prior to 1911. In 1922 more Japanese emigrated from the state than settled there.

[2] California state board of control, "California and the Oriental," pp. 177-178.

EXCESS OF IMMIGRANT JAPANESE ALIENS ADMITTED TO UNITED STATES OVER EMIGRANT JAPANESE ALIENS DEPARTED, JUNE, 1919, TO JUNE 30, 1922 [3]

Year ended June 30	*Total U. S.*	*Outside of Continent*	*Continental U. S.*	*State of California*		*All other States*
				Number	*Per cent*	
1910	1,579*	393*	1,186*	1,109*	93.5*	77*
1911	1,224	972	252	45	17.9	207
1912	4,671	2,295	2,376	1,568	66.0	808
1913	7,569	3,846	3,723	2,390	64.2	1,333
1914	8,147	3,605	4,542	3,129	68.9	1,413
1915	7,784	2,525	5,259	3,798	72.2	1,461
1916	7,931	2,739	5,192	3,676	70.8	1,516
1917	8,203	3,094	5,109	3,196	62.6	1,913
1918	8,610	2,607	6,003	3,529	58.8	2,474
1919	7,929	2,210	5,719	3,486	61.0	2,233
1920	5,041	1,909	3,132	1,190	38.0	1,942
1921	3,179	1,629	1,550	429	27.7	1,121
1922	2,008	1,482	526	3*	0.6*	529
Totals ...	70,717	28,520	42,197	25,324	60.0	16,873

* Figures indicate an excess of emigrants over immigrants.

Birth Rate and Picture Brides

While immigration added a comparatively small quota to the number of Japanese in the United States, nature augmented their population by a generous production of individuals who were American citizens because of the place of their birth. The Japanese in this country are far more prolific than the whites. Their birth rate is 188.5 per 1,000 females in the child-bearing ages or practically three times as high. In 1910 one out of every 44 children born in California was a Japanese, while in 1920 Japanese births represented one out of every thirteen.

This situation was made worse by the practice of giving picture brides passports to the United States. Picture marriages became an institution among the Japanese because of the large excess of males in the United States and their desire to secure Japanese wives for themselves. It was the practice of an unmarried man to write home to his parents for a suitable bride. An exchange of pictures, the consent of both parties and of the parents brought about a marriage celebrated in Japan without the presence of the groom and again upon arrival in America in accordance with

[3] Compiled from statistics of the state board of control of California and reports of the Commissioner of Immigration.

our regulations. Many of these picture brides were farm laborers who worked with their husbands in the fields and helped them in their successful competition against native Americans. A large proportion became mothers within a year or two after their arrival.[4] According to our law, a picture marriage was not legal until celebrated in the presence of both parties. According to the Japanese practice, the marriage was legal after a proxy ceremony was solemnized in Japan. If United States custom was followed, the picture brides were not entitled to passports. Quite generally they were farm laborers and could not be included in the exempt class as wives because they were not actually married until arrival in America. According to Japanese practice, they were married before embarkation and so properly entitled to passports as wives of Japanese residents in the United States.

Up to 1920 the Japanese interpretation was accepted, but after that date Japan agreed to refuse passports to picture brides in compliance with the growing opposition in the United States against them. This opposition was based on their status of farm laborers and their potential capacity for increasing the Japanese population far beyond their own actual numbers.

Japanese in Industry

The fear which prompted the Gentleman's Agreement was also largely over a potential rather than an actual danger. Had Japanese immigration continued unrestricted, the results might have been serious for the native worker. With a restrictive measure, adopted before any large number of Japanese had emigrated, any real threat to the American employed in industry was forestalled. Indeed, in many cases, the Japanese competed directly with the older Chinese residents more than with native Americans. They succeeded in gaining a place for themselves in practically all of the pursuits in which Chinese were employed, and in which they probably would have continued to fill the labor demands, had not new additions to their forces been prohibited by the exclusion act. In the fish canneries, in mines, in lumbering as yard men, in transportation as section hands, and occasionally in the steel industry, the Japanese were engaged largely as unskilled laborers. They were successful storekeepers, catering to their own race and sometimes to whites also. When they were brought into direct competition with other races, they were often able, because of their lesser expenses, to undersell them successfully. They

[4] "California and the Oriental," p. 160.

entered domestic service and were regarded as efficient though unreliable servants. Their unreliability was due in part to different moral standards and inability to understand the English language. The Japanese laundries underbid and drove their competitors out of business. But in practically all of these occupations, the relatively small numbers of Japanese meant a serious competition to but a few white men.

Japanese in Agriculture

Laborer. It was in agriculture that the Japanese assumed the greatest importance. They satisfied the demand for farm labor when the exclusion of the Chinese ended that source of supply. Both Chinese and Japanese were in demand in certain kinds of work, work requiring agility, quick motions, much stooping and squatting and suitable to persons of short stature. The Japanese were able workers. They underbid the Chinese and in many instances displaced them, the Chinese turning to commercial pursuits. The Japanese were easy to hire, working under what is known as the "boss" system. One Japanese, the boss of a gang of workers, offered its services to a farmer. The boss made all wage arrangements, superintended the men, settled labor disputes after they were hired. This relieved the farmer of petty details and enabled him to negotiate for his labor supply with but one man instead of with each laborer directly. The system was especially convenient for the big rancher who also appreciated the nomadic quality of the Japanese, most of whom were unmarried, had no settled homes, were willing to accept temporary jobs, to help out in harvesting time and then move on, following the labor call.

This transitory characteristic, their efficiency, the ease with which they could be secured, the low wages asked, made their services much sought after. But in the main they did not compete with white men except in the citrus and deciduous fruit industries. Native Americans and even the foreign-born white farm laborers preferred other and more steady work than that engaged in by the Japanese. In the few instances in which they were brought in direct competition with whites, their lower standards of living permitted them to accept small wages and made them easy victors in the labor struggle. When Japanese immigration was curtailed by the Gentleman's Agreement, the Japanese farm labor supply fell off. With this reduction in numbers and an increased demand, the wages paid Japanese farm laborers

became as high or higher than those of the Chinese and even in some cases the white.

The Japanese as Tenant Farmers and Small Owners. It was as tenant farmer or small farm owner that the Japanese most seriously competed with the white. He was a very acceptable tenant to the corporation farming enterprises and the farm owners who leased their land. Both of them appreciated the good qualities of the Japanese. Each furnished him with land and tools in return for a share of the crop profits. If there were no profits the lender might suffer financial loss. But ordinarily the Japanese was considered a good risk. He was a conscientious farmer who worked the soil to its limit capacity and did not skin the land. Lenders felt safe in trusting their lands and profits to Japanese holders.

The Land Law of 1913. Some of the land corporations ostensibly controlled by American citizens were really in the hands of Japanese. The Japanese obtained their controlling interest by round-about methods. Fifty-one per cent of the stock was issued to an American citizen, usually the lawyer of the corporation, and he acted as trustee for the real owner who might be a Japanese or a minor child of Japanese parents. In this way the Japanese succeeded in circumventing the Alien Land Law of 1913 which forbade all aliens ineligible to citizenship to own land in California. The law was aimed directly at the Japanese for they were ineligible to citizenship by the naturalization acts confining naturalization to white persons and persons of African descent and by a decision of the Supreme Court in 1922 declaring Japanese, as members of the yellow race, to be ineligible. The Japanese were not only able to evade the law through land corporations and the coöperation of American citizens, willing to aid and abet them for personal gain, but through their American-born children. The Japanese purchased lands in the names of these children and then controlled the lands as their guardians.

More and more Japanese followed these practices and became farm owners as well as farm tenants. Their competition was keenly felt by the small white farm owner, the man who himself worked in the field. The Japanese was accustomed to laboring 12, 14, even 16 hours. He toiled unremittingly. Holidays, Sundays alike saw him bending in the fields over his daily work. Beside him worked his wife and children, co-laborers with him. The native American, whose wife and children did no field labor, who himself worked only ten hours, who expected to rest Sundays and holidays, could not produce as much as the Japanese. His

standards demanded a better dwelling, different and more expensive food. He found himself faced with an impossible competition.

Japanese Crops and Land Holdings. The Japanese assumed an importance in agriculture out of all proportion to his numbers. As farm laborer the native white felt his competition but slightly; as farm tenant and owner, the small working farmer who attempted to compete with him in the raising of certain crops was vitally affected. The extent to which the Japanese gained control of special crops is evidenced in the following table:

PERCENTAGE OF PRINCIPAL CROPS PRODUCED BY JAPANESE IN 1921 [5]

(Prepared by State Department of Agriculture)

	Per cent		*Per cent*
Celery	80.85	Tomatoes	75.80
Berries	90.95	Mixed vegetables	90.95
Asparagus	70.75	Grapes	25.30
Cantaloupes	65.70	Fruits (deciduous)	70.75
Onions	80.85	Lettuce	85.90

The cessation of the immigration of Japanese laborers, while it checked the advance which the Japanese might have made in agriculture, did not prevent a rapid progress for those Japanese already here. In the decade 1910 to 1920 their land holdings increased over 412 per cent. In 1920 they occupied some 458,000 acres, a small area when the total farm land of California, 27,000,000 acres, is considered. The location of the Japanese holdings in the irrigated lands constituted their importance. There are a little over 3,890,000 acres of such lands in California. The Japanese, who comprised but 2 per cent of the population, controlled 11.8 per cent in 1920. In certain counties in which there are many Japanese they operated from 50 to 75 per cent of the total irrigated area. This was true of such counties as San Joaquin, Colusa, Placer, and Sacramento. Yet it must be remembered that much of this land, when first taken over by the Japanese, was either untillable or of the poorest quality; much was purely waste land, unclaimed and unutilized by the whites; much was located in undesirable parts of California where extreme heat rendered the climate almost unbearable to the average white man.

[5] "California and the Oriental," p. 95.

The Land Act of 1920. The progress of the Japanese in agriculture, their love of the land and ambition to advance to the position of farm owner, the competition to which the small white farm owner was submitted, the prejudice felt by some farming communities against Japanese occupation, their tendency to monopolize certain districts, their easy evasion of the Land Act of 1913 caused the adoption of a more stringent act in 1920. The new law denied to persons ineligible to citizenship the right to purchase or lease agricultural or horticultural lands. It also forbade the acquisition of such lands by the Oriental guardian of a minor or a corporation any of whose stock was owned by Orientals. In this way the Japanese were prevented from further owning, leasing, or controlling the land through their native-born children or through corporations presumably controlled by citizens but in reality controlled by Japanese.

While this act aimed to prevent any further control of the land by Japanese and to decrease their importance in agriculture, a radical or sudden disturbance of their position was recognized as unwise. The California state board of control in its report for 1922 stated that the immediate removal of the Japanese would be a mistake and would affect the state's food supply disastrously, for they were engaged in producing indispensable food stuffs and in 1919 raised $67,000,000 worth of produce.

Contributions of the Japanese

The Japanese may have created new problems for the people of California; they may have had a disastrous effect in the past on native whites brought into direct competition with them; but they have opened up resources in lands abandoned or undesired because of climate. They furnish Californians with an important and essential part of their food supply. They fulfill a demand for squat labor, work holding little attraction for the native white. They really come into competition with but one native white class, the small farming group. They affect manufacturing little if at all. They compete on an equal basis with the agricultural laborer. They have proved themselves valuable to the big farm operator, both as an efficient and elastic labor supply and as tenant farmers. True, if Japanese immigration were still unrestricted it would create a serious problem for California labor, but the competition of Japanese would not be much more serious than the competition of Europeans endured for years by the native whites in the eastern states. The relatively small amount of land held by the

Japanese, often located in an area in which climatic conditions make habitation almost intolerable for the whites, is not the actuating motive against them. The number of immigrants who have come to the United States from 1910 to 1920, a number insignificant when compared to the European migration to the eastern states, is not the real cause of the agitation. The Japanese birth rate is high but this is not strange, for most new immigrant races also have a high birth rate which gradually declines after they have been in this country for some time. Also the majority of Japanese emigrating to the United States are young and of the family-raising age. This fact tends to increase their fecundity. They have proved themselves an industrious, law-abiding body. They are rarely a burden on the community. They have undertaken to care for their own people through the Japanese Association of America, established to build up the character of the race, protect its rights and privileges, and promote its welfare. The Japanese race is one of the few immigrant races which receives little criticism because of its liability to crime, pauperism, etc., and much praise because of its industry and efficiency.

Race Question

Competition, ownership of land, birth rate, amount of immigration—all these objections could be raised against European immigrants in different parts of the United States. But until 1921 they were not sufficient to cause any restriction of European immigration. They did not result in the enactment of any law preventing Europeans from becoming citizens, for they were urged to acquire citizenship. They did not prevent further control of the land by Europeans, for their going on the land was looked upon as one of the solutions of the immigration problem. These objections are causes lying back of the legislation against the Japanese, but are they the main causes? If the Japanese were a white race, easy of assimilation, would there be any Japanese question in California? The Japanese question seems to resolve itself into a race question.

The Japanese are a people alien in customs, beliefs, standards of living. Their family system is very different from ours. The position of the wife is completely subordinated to that of the husband, but this is true of some other immigrant races. Intermarriages between Japanese and Americans often result unfortunately because of the social stigma attached to such marriages and the ingrained differences of environment and racial back-

ground. The children of these marriages appear to be equal in every respect to the pure-blooded white or Japanese. The idea that they are inferior probably arises from the fact that often the unions are made between the undesirables of either race, whose offspring, born out of wedlock, are handicapped morally, mentally, and physically from the beginning. Japanese born and educated in America adopt American ideas and customs like other races, but as yet there has been little racial merging. A large part of the feeling against the Japanese is probably due to the color element, although it tends to quickly disappear in a union with whites. This color prejudice may be partially actuated by the stronger feeling against Negroes and the lessons learned from that other body of citizens whose assimilation is seemingly impracticable. The good qualities and ability of the Japanese are recognized, but the possibility of assimilating them is questioned in the face of so much racial bias. Japanese immigrants are refused citizenship, are practically ostracized by native whites, and tend to remain an isolated and foreign group. As such any addition to their numbers seems inadvisable.

Acting on this conclusion, Congress took action to exclude the Japanese. The proposed exclusion met with much opposition both in Japan and the United States, but the opposition forces were not strong enough to prevent the incorporation of an exclusion clause in the Immigration Act of 1924. This clause barred all aliens ineligible to citizenship, with the exception of a few select classes. The Japanese looked upon this legislation as a piece of racial discrimination, and its ultimate effects upon the relations of the two nations may be far-reaching.

VIII

THE NEGRO AND HIS SOCIAL STATUS

"Within the veil," "half a man," surrounded by unseen barriers, ruled by inexorable laws, the Negro lives. The white man in the United States, born to a wider freedom, equality, justice, political power, with a long heritage of leadership, finds it difficult to understand the feelings of the colored man, born to half freedom, inequality, insecure justice, little political power, with slavery only a few generations away.

From Slavery to Freedom

When the United States was but a group of colonies, the institution of slavery flourished. The Negro was brought here from a country backward in civilization and government. He was unversed in the ways of an advanced people. He had no education. He was a savage. It was comparatively easy to keep the backward Negro people in slavery. They were an asset to the white man. In general physically strong, tractable, and without intellectual training, the race performed the hard, disagreeable work. It answered the demand for unskilled labor. The agricultural south, with its great plantations, its warm climate, its large leisure class, demanded and received the greatest number of Negroes. Slavery did not end with our advent as a nation. Though civil liberty and self-government were written into the Constitution, they were for white men only. Few citizens realized the inevitable results of forcibly bringing to the United States large numbers of an alien and colored race and keeping them in ignorance and subjection.

At first the white man, his dominance assured, could afford to share his world with his dark servant. To be sure, he gave him but a little corner. In return for home, livelihood, care, varying with his disposition and property, he expected service and obedience. As the number of Negroes multiplied the master was constrained to give them an ever larger corner, a corner with quavering outlines in which jutting problems, demanding an

answer, began to appear. Was the United States a free country, did we have democracy when large numbers of human beings were completely subject to the will of other human beings? White men divided on their answers to these questions. Many people, particularly in the north, voluntarily freed their slaves. Others looked askance at slave owners. In general, the division of opinion was between the northern and southern states; between those who owned the smallest number of slaves and needed them least and those who owned the largest number and needed them most. The controversy between these groups grew with the agitation against slavery, with the stories of cruelties circulated abroad. Along with these stories went tales of contentment, faith, affection between the two races. But the scandals spread more rapidly, grew with repetition. And then, it was a strange thing to see so many light-colored Negroes among the black. Where did they come from? Had the white man forgotten his proud heritage and by taking advantage of a people held in bondage disgraced his race? The mulattoes had no legal father. Born out of wedlock, an inexcusable offense had been committed against them and their black mothers. The lighter members of the Negro race sometimes inherited the qualities of their masters, were less patient, less tractable. Nor were many of the darker people satisfied with their status. The division in the white race over slavery was reflected in the Negro race. A slave could escape to Canada and live there in freedom. He could lose himself in the northern states with little fear of apprehension. Public opinion became more and more crystallized either for or against slavery. Finally a great war was fought, a war to determine the unity of the United States and the status of its peoples. The north emerged victorious. The United States remained one nation. The Negro was freed, given citizenship and the franchise.

What did this freedom bring the Negro? Did it make him the equal of the white? Did it solve the race problem?

Reconstruction Period

The south, devastated and disorganized by the Civil War, punished by the loss of political privileges, found white supremacy threatened. The Fourteenth Amendment made Negroes citizens and declared that any state which denied to its male inhabitants the right to vote should have its representation reduced accordingly. It also penalized those southerners who had participated in the rebellion against the Union by removing many of their

political privileges until such a time as Congress should see fit to give them back. The amendment was rejected by most of the southern states. The rejection angered Congress and paved the way for a rigid congressional reconstruction policy in the south. Military rule, the requirement that Negroes be granted the suffrage and that the Fourteenth Amendment be accepted, were part of the program. For a time the Negro voted and held office. Without education, experience, or training for his new status, he fell an easy prey to unscrupulous white men. The Republican Party, composed in the main of the poorer class of southern whites, of northerners who had emigrated south largely for economic reasons, and of Negroes, dominated the new governments set up after the war. The result was theft, extravagance, incompetency. Congress foresaw the necessity of its ultimate withdrawal from supervision of internal affairs in the southern states and was desirous of making Negro suffrage more secure. It therefore passed the Fifteenth Amendment which was ratified by the states in 1870. This amendment declared that the right to vote should not be "denied or abridged . . . on account of race, color, or previous condition of servitude." In spite of the congressional program, the south, by intimidation, gradually reduced the number of Negro voters and the amount of outside interference. When the north, weary of continued intervention in southern affairs, withdrew, the white south took legal measures to keep the Negro in his place. Segregation, Jim Crow cars, separate schools, and disfranchisement of the majority of Negroes freed the south of the fear of Negro domination. But its freedom was secured at a price. Every injustice and wrong perpetrated against the Negro had its effect on the white race, tended to make it tolerant of brutality, of force rather than reason, of legislation favoring one race at the expense of the other.

Negro in Politics in South

The practical disfranchisement of the Negro was obtained by the passage of amendments to the state constitutions which, based on other grounds than race, legally and effectually prevented the Negro from voting. Tax, property, and educational qualifications were imposed by the various states which few Negroes could meet.

For instance the state of Georgia required a voter to have 40 acres of land or $500 worth of property in the state.

Unless physically incapacitated, he must be able to read and write the Federal Constitution. If physically incapacitated, he must give a reasonable interpretation of the Constitution of the United States or of the state of Georgia. The board which determined his ability to pass these tests was composed of white men. Conceivably it would be a simple matter to reject the prospective Negro voter. As many white persons might be disfranchised under the property and educational test, another provision was made. Any impecunious or uneducated person who was of good character, able to understand the obligations and duties of citizenship under a republican form of government, might vote. To still further protect the white man's vote, Georgia and several other states adopted the grandfather clause, later declared unconstitutional. This clause provided in general that no person who was entitled to vote on or prior to January 1, 1867 under any form of government, or who resided at that time in some foreign nation, or no lineal descendant of such person, should be denied the right to vote because he could not meet the educational or property qualification.

The various provisions adopted by the states effected the desired result. The white voter was assured his right to vote, the Negro was disfranchised. He was apt to belong to at least one of the unfit classes—to possess too little property, to be in tax arrears or without sufficient education to qualify.

Even when the Negro could qualify under the state law, some pretext was found to rule him out. During the presidential election of 1920, it was asserted by interested Negroes that efforts were made to prevent the newly enfranchised colored women from voting. It was feared that white women would not come to the polls in sufficient numbers to neutralize the vote of those colored women who might qualify. Several southern states were accused of asking Negro women impossibly difficult questions. When they were unable to answer these questions they were disqualified. It was further stated that they were frustrated and delayed in their attempt to register so that the polls were closed before they had an opportunity to do so. They were also threatened with arrest if they made erroneous statements in registering. It was asserted that in a certain southern city colored women who were college graduates and had taken pains to prepare themselves to read and interpret the United States Constitution, as required by law, were given sections of state, civil, and criminal code to read. These they refused to interpret, as

outside the requirements, and were then declared ineligible to vote.[1]

Effect of the Race Question on the South. The result of these methods, and of the absorption of the south in the race question is to make it solid in politics and to reduce greatly the number of voters. Political contests are waged over the characteristics of candidates for office rather than questions of public policy. The south fears to arouse discussion of real problems lest the Democratic Party split and the Negro obtain some power. The people are not interested in struggles for control between cliques within the party and only a small vote is polled. Statistics compiled by W. E. B. DuBois show that in the presidential election of 1920 only eight per cent of the potential voters cast ballots in South Carolina, nine per cent in Mississippi, 11 per cent in Georgia, 14 per cent in Louisiana, 18 per cent in Texas, 19 per cent in Virginia, 21 per cent in Arkansas and Alabama, and 28 per cent in Florida. Some of the northern and border states showed less than half the potential number of voters casting ballots; but the worst results were in the southern states, with their strict suffrage requirements, practical Negro disfranchisement, and rather general popular lack of interest in politics.[2]

Such a condition gives to these states a representation out of all proportion to the number of voters. It leads to charges that the Fourteenth Amendment is unenforced and nullified. It results in periodic attempts to have it enforced by reduction in the number of congressional representatives to correspond with the actual number of voters in those states which rigidly restrict the suffrage. It means that political power in the south rests in the hands of a small group of men and is largely controlled by the dominant Democratic Party. The Republican Party exists but has comparatively little power or life. At first it recruited its members mainly from the newly enfranchised Negro. Now it seeks to subordinate the small Negro body which participates in southern politics, that it may break through the solid ranks of the Democratic Party and secure a portion of the conservative southern vote.

President Harding, speaking in Alabama, October 26, 1921, said: "I wish that both the tradition of a solidly Democratic South and the tradition of a solidly Republican black race might be broken up. Neither political sectionalism nor any system of rigid groupings of the people will in the long run prosper our country. . . . We cannot go on, as we have gone for more

[1] *Survey*, December 4, 1920; New York *Call*, February 27, 1921.

[2] *The New Republic*, January 3, 1923.

than a half century, with one great section of our people . . . set off from real contribution to solving our national issues because of a division on race lines." [3]

The problem of race has everywhere entered into the daily life of the south, its buying and selling; its labor, housing, rents, railroads, prisons, recreations; its institutions of religion and civil liberties. The laboring white man in either north or south who permits the race question to destroy the workers' solidarity finds his bargaining power weakened in those occupations in which he must compete with the colored. Sometimes when the white trade unionist is desirous of unionizing the Negro, he finds the white capitalist willing to use force to prevent his attempt.[4]

Free speech and free thought are endangered when an unsolved problem, for which the majority of white southerners can see only one solution, white dominance and Negro subjection, is allowed to intrude itself in a variety of questions. Woman suffrage, education, labor reforms have all been retarded in the south by the eternal race problem. Negro newspapers, radical only in their demands for equal and just treatment of the colored race, have been suppressed.

White men who have ventured to sympathize or agitate too strongly for the Negro have been persecuted. Such acts give rise to the questions: Is freedom of opinion permitted in the south? Does not enforced uniformity of thought tend to stifle all original thought? While the effect of the race problem on the white is pernicious, he does not suffer in the same way as does the Negro. The one controls, with the privileges and power which accompany his position; the other is controlled, confined within limits set by his white ruler.

Effect of Race Question on the Negro

Transportation. The southern Negro is subject to a degree of segregation unknown in the north, where the proportion of Negroes to whites is comparatively small. Every southern state, with the exception of Missouri, has laws separating the races in railroad cars. Similar regulations are likewise enforced in street cars, though in some states these apply only to cities or to suburban lines.[5] While certain groups of colored people object to segregation in public conveyances, this is not the main

[3] New York *World,* October 27, 1921.
[4] Seligman, Herbert, "The Negro Faces America," pp. 311-319.
[5] "Negro Year Book," 1921-1922, p. 171.

ground of contention. In trolley cars, seats in the rear are the Negro's portion. He must often put up with unsanitary, uncomfortable conditions in the station waiting room for colored. True, the accommodations for whites are not always enviable, but where the white man's are bad, the Negro's are worse. On the train the color line is drawn so strictly that, with the Negro coach crowded and the white coaches half empty, the Negro cannot occupy the vacant seats. As Pullman and dining cars are not provided for the Negro, he cannot ride in the same comfort as the white man. On an all-night trip, with money to pay for a sleeping car berth, segregation in a Jim Crow day coach is particularly hard to bear. Even during and after the war, the Negro soldier traveling under federal auspices was not permitted to enjoy the accommodations which the government provided for him.[6]

Segregation into Districts. Separation of Negro and white in public conveyances is only one form which segregation of the Negro takes. In the cities of both north and south, Negro residences are largely confined to certain districts. These districts are often the abandoned quarters of the whites. They are located in the poorest parts of the city. Sometimes they are in close proximity with centers of vice. As long as the Negro remains in his designated area, patronizes his own restaurants and places of amusement, he does not raise the ire of the whites. But in most hotels, restaurants, sometimes in public parks and in some theaters, the color line is sharply drawn. If the Negro intrudes in neighborhoods exclusively white, he is apt to meet with strenuous objections. Often his intrusion is purely involuntary. The black belt becomes too small for his growing numbers, and he is forced to seek another locality.

From 1910 to 1920 the Negro population of Chicago increased from 44,103 to 109,458 or 148.2 per cent. This enormous increase was largely due to the migration of Negroes from the south during the war. The newcomers tried to find a place to live in the Negro district. This district was located in one of the worst sections of the city and was already crowded. Negroes settling here tended to drive out the older residents. Many of them were only too ready, aided by the industrial prosperity of the war, to abandon their almost uninhabitable quarters and buy or rent better dwellings in other localities. In the expansion outward the Negroes trespassed on the preserves of the whites.

[6] National Association for the Advancement of Colored People, Bulletin for 1919, p. 44.

This process had been slowly taking place for several years, but received new impetus during the war. An influx of Negroes into any locality ordinarily means a decline in the value of property. If the whites cannot prevent their coming, they sell their homes at a sacrifice and move away. White property owners, aside from any race prejudice they may feel, realize that Negro neighbors cost money. The two things together tended to make the whites use every effort to keep the Negroes out. In Chicago the relentless pressure of numbers, impelling the Negroes to seek homes outside the black belt, met the opposition of the whites into whose neighborhoods they went.

This opposition was regulated in a measure by the numerical extent of the Negro intrusion. One or two respectable Negro families living among whites were often tolerated and respected. It was the potential possibilities which they represented or the settlement of Negroes in greater numbers which created the animosity responsible for the fifty-eight bombings occurring between July, 1917, and March, 1921. Negro homes and the property of the white landlords, responsible for the acquisition by Negroes of sites in territory hitherto occupied by whites, were destroyed. The destruction involved a loss of over $100,000, two Negro lives, and bodily injury to members of both races.[7] The hostility of the whites, coupled with the natural reaction of the Negroes, created a situation full of potential danger. The Negroes lacked confidence in the practically white police force, which was able to arrest only two suspects in the entire period of time covered by the bombings.[8] They were dissatisfied with the bad living conditions in the black belt and angered by the opposition they met when they sought homes elsewhere. All these factors were causes behind the serious Chicago race riot of 1919. The situation in Chicago can be considered typical of most of our great cities.

Education in the North. Segregation into residential districts in the north is seldom paralleled by segregation into separate schools as it is in the south. The northern Negro's children ordinarily attend the same schools, receive the same grade of instruction as do white children. Race discrimination is seldom shown in the apportionment of public educational funds. The Negro child, because of poverty or unsatisfactory home conditions, may be unable to remain in school as long as the white, but

[7] The Chicago Commission on Race Riots, "The Negro in Chicago," pp. 112-123.

[8] *Ibid.*, p. 132.

that is the only barrier to his acquiring the same amount of public education. Indirect ways of excluding Negroes from certain colleges are occasionally resorted to, but generally Negroes can enter a northern college on the same educational and financial terms as whites. In these higher institutions of learning the color line is drawn more tightly. In the lower grades, during childhood, no radical distinctions are made. Gradually as the child approaches adolescence the difference is felt. The barrier of color steps between the Negro and his aspirations. His white friends do not meet him on an equal basis. He is barred their social gatherings. The line is drawn ever more tightly. When he reaches college, if he be one of the few fortunates of his race to have this privilege, the line is taut. Sometimes the instructor feels an instinctive prejudice. Sometimes the attitude of the students speaks their racial antagonism. Sometimes scholastic merit does not bring the same reward. Discrimination occurs only in sporadic cases. It is instinctive rather than premeditated. But social ostracism is the usual fate of the Negro.

Among the many instances of this, two might be mentioned. At a certain middle western college four colored girls drew numbers which enabled them to secure choice rooms in the dormitories. Attempts were made to exclude them from this privilege and pressure was brought to bear which would induce them to resign the rooms voluntarily. Upon their refusal to do so, fourteen white girls left the dormitories to live in smaller houses.[9] Their social prejudice against the Negro was too strong to permit them to live in the same house with representatives of the race. Another well-known university felt constrained to bar members of the Negro race from the freshman dormitory. They were allowed free access to other dormitories, but as residence in the freshman dormitory was compulsory for all white freshmen, the college authorities felt it advisable to exclude Negroes.

Education in the South. The Negro then receives approximately the same educational opportunities in the north as the white. These opportunities are tempered with social prejudice which extends even to the most worthy members of the race. In the south the Negro meets with even more drastic social discrimination and the educational facilities open to him rank below those of the white. He cannot attend the white man's schools and colleges but is segregated in institutions of his own. These are usually inferior in construction and often deficient in sanitary

[9] National Association for the Advancement of Colored People, Bulletin for 1919, pp. 44-45.

arrangements. The grade of instruction is apt to be poor, the school term broken and brief.[10]

In 1920-1921 the annual per capita expenditure for whites and Negroes in the sixteen former slave states, the District of Columbia, and Oklahoma ranged from $2.06 for each Negro child and $19.33 for each white child in South Carolina to $62.75 for the Negro and $74 for the white child in the District of Columbia. In every state a considerably larger sum was spent for every white child's education than was spent for every Negro child's. In the majority of instances the amount was several times as great.[11]

Those states having the largest Negro population spent the smallest proportionate sums annually for Negro education. They comprised Mississippi and South Carolina with over 50 per cent colored, Georgia with over 40 per cent, Alabama and Louisiana with just under 40 per cent. The amounts spent ranged from the $2.06 for the Negro and the $19.33 for the white in South Carolina to $3.91 for the Negro and $18.12 for the white in Mississippi.[12]

The double school system maintained in the south is a great drain on the funds set aside for education. This, together with the poverty of rural conditions and an ineffective system of taxation, reduces the amount most of the southern states can afford to spend, even on white children, to less than that spent in other parts of the country.[13] Negro teachers are generally poorly paid and inadequately trained. Figures for the years 1911-1912 and 1912-1913 showed that Negro teachers were paid from two-thirds to one-half less than white teachers and both groups of teachers were receiving totally inadequate compensation.[14] Figures for 1920-1921 indicated that the salaries of Negro teachers had been advanced. But this advance was scarcely more than commensurate with the increased cost of living. The amounts paid remained insufficient to obtain a satisfactory grade of instruction. This was particularly true in those states having the largest Negro population. In Alabama male teachers received an annual wage of $253, female, $212. In Georgia male teachers were paid $43.88 a month, female, $33.70. In Louisiana males received annually $369, females, $374. In Mississippi both sexes were paid $33.81 a month in rural schools and $46.16 in city schools.

10 "Negro Education," Bulletin, 1916, Vol. I, *passim.*
11 "Negro Year Book," p. 240.
12 *Ibid.*
13 "Negro Education," Vol. I, pp. 23-24.
14 *Ibid.*, Vol. I, p. 34.

South Carolina paid its Negro male teachers $239 annually, its Negro female teachers $184.[15]

In view of these figures, the short school terms, the meager teacher training facilities, it was not surprising that in 1916, according to the records of the southern states, over 50 per cent of the colored teachers in public schools had an education less than the equivalent of the six elementary grades.[16] At that time the total number of public high schools for Negroes was 64. They were largely located in the border states. The states further south each had but one or two public high schools for their entire Negro population. North Carolina and Louisiana had none.[17] In 1917 and 1918 but one per cent of the colored pupils were to be found in the public high schools of the south. This was but one-ninth of the average proportion of children in the public secondary schools for the entire country and less than one-seventh of that for the white children of the south.[18]

In the lower south the secondary education of the Negro was practically dependent on private institutions.[19] These institutions were to be found throughout the south and were supported by gifts from churches and other organizations and by private individuals of both races. Several important private funds had been established which greatly aided in shaping and developing Negro educational policies. But the private funds available for Negro schools were not as great as those for white schools. In 1916 but 18 per cent of the total expenditures of southern private and public schools were spent for Negroes, who formed 30 per cent of the population.[20]

One of the arguments usually brought forth to support the policy of giving the Negro a proportionately smaller share of the funds devoted to public education is his smaller contribution to the public taxes. This argument is at variance with the ideals of democracy. If logically pursued, it would result in the great mass of poor whites who paid little or no taxes receiving a poorer quality of education, covering a shorter period of time, than those who paid high taxes. It would mean that the propertied Negro could obtain better public instruction for his children than the poor white man, that the childless man would be

[15] "Negro Year Book," p. 240.

[16] "Negro Education," Vol. I, p. 12.

[17] *Ibid.*, Vol. II, pp. 15-16.

[18] Department of Interior, Bulletin, 1920, No. 11, "Statistics of State School Systems," 1917-1918, pp. 75-76.

[19] "Negro Education," Vol. II, p. 16.

[20] *Ibid.*, Vol. II, p. 12.

exempt from that part of his tax which would ordinarily go toward supporting public education.

The short school year of the average southern Negro school prevents the pupils from making the same progress they would in the north. In 1920-1921 the number of days which Negro schools kept open in the south varied from 73 days in South Carolina to 163 in Maryland.[21]

That large numbers of Negro children did not find it possible or convenient to attend school for even this brief space of time, either because of economic reasons and the need of their presence at home, the insufficiency of school facilities, or the lack of a sufficient element of compulsion, was indicated by the poor school attendance and the large number of Negro children out of school. In 1917-1918 the average time of school attendance in the southern states per colored pupil enrolled was 70 days, that of the whites 100 days.[22] In 1920, 47 per cent of all Negro children from five to 20 years of age inclusive were not enrolled in school. Most of those attending school were concentrated in the lower grades. Approximately 70 per cent were in the elementary schools, 25 per cent in secondary schools, 3 per cent in schools of collegiate rank, and 2 per cent in professional schools.[23]

Many Negro schools calling themselves colleges are not of collegiate rank. In 1916 the United States Bureau of Education in a study of Negro colleges stated that "under a liberal interpretation of college work," only 33 of the 653 private and state schools for colored people in the south were teaching any subjects of college grade.[24] The present tendency is toward the limitation of the number of advanced schools, with a campaign to increase their finances and improve their curriculum.[25]

Measures for Improvement in Negro Education. While Negro education in the south presents a rather dismal picture, measures are being taken to better the situation. For several years increasing attention has been paid to the Negro public schools of the south. The work has been conducted by public and private agencies. Country and summer schools for teacher training have been established to develop a better trained corps of Negro teachers.[26]

A large number of responsible white southerners are becoming

[21] "Negro Year Book," p. 238.
[22] "Statistics of State School Systems," 1917-1918, p. 78.
[23] "Negro Year Book," p. 243.
[24] "Negro Education," Vol. I, p. 59.
[25] "Negro Year Book," p. 234.
[26] *Ibid.*, pp. 21-22.

increasingly aware of the necessity of improving and extending education for both whites and Negroes in the south. The need of the Negro, who comparatively has much less than the white, is urgent. His lack of opportunity for a really good education in satisfactory surroundings makes large numbers of his race illiterate, increases their susceptibility to disease, raises their death rate, decreases their economic powers and their standard of living, and so makes them more liable to commit crime and to become a burden on the community. Only by giving the Negro a comprehensive and practical education can he be made an effective member of the community, can the white man be protected from the evils incident to poverty and ignorance.

The Southern University Race Commission wrote in an open letter:

"The inadequate provision for the education of the Negro is more than an injustice to him; it is an injury to the white man. The South cannot realize its destiny if one-third of its population is undeveloped and inefficient. . . . Our appeal is for a larger share for the Negro on the ground of the common welfare and common justice. He is the weakest link in our civilization, and our welfare is indissolubly bound up with his." [27]

Illiteracy. The growing realization of both north and south of the advisability of educating the Negro not only for his own development but for the protection of the white race is indicated by the constantly increasing Negro school attendance and the decreasing proportion of Negro illiterates. From 1910 to 1920 the per cent of Negroes five to twenty years old enrolled in school increased from 44.7 to 53.5. In 1880, seven-tenths of the Negro race were illiterate. By 1920 this proportion had been reduced to slightly over one-fifth. Although illiteracy among Negroes is steadily becoming less, they still contribute more than their share to the total number of illiterates in the United States. Almost two-fifths of all illiterates were Negroes in 1920, yet they constituted less than one-tenth of the total population.[28]

Sickness and Mortality. With 1,842,161 Negro illiterates or over one-fifth the Negroes in the United States without the rudiments of an education, it is not surprising that Negroes show a high rate of sickness and mortality. Ignorance is a breeder of disease and death. The individual who is untrained in the importance of personal hygiene and cleanliness and is without knowl-

[27] "Negro Education," Vol. I, p. 5.
[28] "Negro Year Book," pp. 240-241.

edge of the dangers incident to unsanitary living conditions, cannot adequately care for himself and family. Lack of education ordinarily means a lower earning power, inability to secure healthful living conditions and competent medical treatment in sickness. It means less care for the pregnant woman, less for the infant child.

These are some of the causes behind the high sickness and death rate among Negroes. It is estimated that about 450,000 Negroes in the south are seriously ill all the time. This means an average of 18 sick days a year per Negro.[29] Such a condition constitutes an economic loss to both white and colored. The efficiency of the colored laborer is lessened, and the white employer's business suffers. It means a money loss in expenditure for illness, in earnings, and in production. It means danger from infection to white men who work with and live in close proximity to Negroes. It raises the death rate among Negroes. In 1920 there was in the total registration area an excess of 5.6 Negro deaths over white deaths per 1,000 population.[30]

While the birth rate for Negroes is higher than that for whites, the difference is not great enough to counterbalance the high Negro death rate. The Negro infant has a much less expectation of life than has the white. Infant mortality for children under one year of age is 135.6 for Negroes per 1,000 births and 82.1 for whites.[31]

Negro, Diminishing Factor in Total Population. The result of these factors, together with the artificial increase which the white population has sustained through immigration, has made the Negro people a constantly diminishing proportionate factor in the total population. In 1790 they constituted 19.3 per cent of the population. In 1900 they comprised 11.6 per cent; in 1910, 10.7; and in 1920 but 9.9.

Negro and Crime. The factors which foster a high sickness and death rate among Negroes likewise raise the number of crimes committed by members of the race. Any comparative criminal statistics for white and colored must be considered with caution. They are often incomplete and inadequate. From the data available the Negro appears to furnish far more than his proportionate share of crimes. But the question of whether the Negro is inherently more criminal than the white man cannot be answered satisfactorily while the status of the two races remains so dif-

[29] "Negro Year Book," p. 365.
[30] *Ibid.*, p. 361.
[31] *Ibid.*

ferent. Our criminal classes are drawn largely from the ranks of the mentally inferior, the uneducated, and the poor. The number of Negroes belonging to these classes is comparatively greater than the number of whites. Thus the potential group of Negro criminals is larger than that of white criminals. Negroes have not the same industrial opportunities as white men. They are ordinarily paid lower wages, are more apt to lose their positions during periods of unemployment. With less chance to secure an education, their economic career is circumscribed. Poverty and forced idleness breed dissatisfaction, disease, vice, and crime. With no one to take the mother's place, home and children suffer when poverty compels both parents to seek remunerative employment. The child of the street has many temptations, little supervision, and care. His exposure to evil influences renders him more susceptible than his shielded brother.

Environment plays an important part in the prevalence of crime. The black belt is usually located close to the worst vice sections of the city. Often overcrowded, with poor and inadequate housing conditions, it is no wonder that its inhabitants furnish so large a share of the criminal classes. To such an environment the southern Negroes migrate. Many of them are unmarried, in the age group between 18 and 30, the age of greatest criminality. They overbalance the normal age grouping of the Negro population on the side of criminality, and in the interval of adjustment to their new lives raise the number of potential criminals among Negroes in the same way that the unadjusted white foreign immigrants do among whites.

Poverty is not only a potential factor in the performance of crime but is a cause of confinement in jail. It forbids the payment of fines in place of jail sentences, of bail which means freedom before trial. It prevents the use of expert legal service which may save the accused from conviction. A white police force, judge, and jury may be influenced by the preconceived idea that the Negro is more criminal than the white man. They may be swayed by unconscious color prejudice. The Chicago race commission, investigating the question of Negro crime in Chicago, found that the tendency of legal authorities was to book Negroes on more serious charges than whites, to convict them more readily, to give them longer sentences.[32] These facts explain, at least in part, the Negro's high criminal record which is from three to five times greater than that of the white man.

Lynching. The particular crime committed by the Negro which

[32] The Chicago Race Commission, "The Negro in Chicago," p. 329.

the white man will not tolerate is rape of a white woman. For this crime, the white man forgets his civilization and retaliates by mob violence. The Negro claims that the majority of lynchings are not for the crime of rape, that many Negroes are lynched for petty offenses, that others with no opportunity for trial die innocent of any crime. They point to the fact that the white man seldom receives the same penalty for rape of a black woman, yet white men are not above this crime. The thoughtful Negro and the thoughtful white man both realize that lynching is a blot on democracy, that it should be condemned and abolished. Strong sentiment against this unlawful practice is developing in the country. The Society for the Advancement of Colored People, with other interested parties, agitated in 1922 for the passage of a federal anti-lynching bill. The bill was passed by the House but failed to pass the Senate. It was opposed largely on the ground of its unconstitutionality. The matter has been left in the hands of separate states. The need for some planned campaign against the lynching evil is evident. It is estimated that in the period 1871-1873 only about 11 persons were lynched yearly in the south.[33] While from 1885-1921 there were approximately 4,097 lynchings and one-fifth of them were for the crime of rape.[34] The number of lynchings in recent years has declined.

Lynching is one of the several grievances the race conscious Negro holds against the white man. Few Negroes ask for or approve of social equality, if interpreted to mean racial amalgamation. Many are content to accept segregation. But there are increasing numbers who believe that civil and political rights should be theirs, that strong measures should be taken to abolish lynching, that court trials and judicial sentences should be free of color prejudice, that public educational opportunities should be the same for both races—in short, that the Negro should be allowed to fully share in the American ideals of self-government, liberty, and equality of opportunity.

[33] Brawley, B., "Social History of the American Negro," p. 295.
[34] "Negro Year Book," p. 72.

IX

THE NEGRO IN THE ECONOMIC WORLD

Agriculture

During and since the days of slavery, the majority of Negroes have lived in the south and have been engaged in agricultural pursuits. With the passing decades, Negroes have migrated north in large numbers, have pushed out into a variety of employments, and have been less concentrated in agriculture. At the same time more of those Negroes engaged in tilling the soil have been advanced from the status of laborers to positions of responsibility. While these tendencies exist, over half of the Negroes are still engaged in agriculture and over half of those so engaged are still in the farm labor group, and the majority of Negroes still reside in the south. This is particularly true of the agriculturists, of whom more than 95 per cent are resident in that portion of the country.

A farmer is defined by the census as a person who operates a farm. He may be the owner, tenant, or manager. A farm laborer is not included in the terms "farmer" or "farm operator." A far larger proportion of white farmers own their farms than Negroes. Over two-thirds of the whites are farm owners, while less than one-fourth of the Negroes own the property they are operating. This proportion is determined by the Negro farmers of the south who comprise the bulk of colored farm operators. In the south less than one-fourth of the Negro farm operating group are owners; in the north over two-thirds of the Negroes own the farms they are operating; and in the west almost seven-tenths of them are owners.

The white man is not only three times as likely to be a farm owner as the colored man, but the proportionate number of white farm managers likewise far exceeds that of Negroes. The bulk of Negro operators are tenants in contrast to the whites who are owners. The southern Negro tenant may be either a cropper or a renter. A cropper usually receives the use of land, tools, house, buildings, and garden plot in return for a certain share of the crop. This share ordinarily amounts to fifty per cent.

The cropper is expected to furnish his own labor and any additional labor which may be necessary to harvest the crop. If he fails to cultivate his land properly, the landlord may hire the help needed for a successful undertaking. The cost of this procedure is deducted from the cropper's share of the crop. In practice the cropper, especially on a plantation, is largely dependent on the landlord. The degree of this dependency varies with his success in working his crop and the advances made him by his landlord. The cropper has not the money to finance his own enterprise or to care for his family while the crop is making. The funds for these purposes are given him by the landlord. Often the cropper is charged a high rate of interest on the money thus advanced. As a result he pays higher prices for everything than he would if he were making cash payments.

On the other hand, the landlord has staked a considerable sum in the enterprise. He runs the risk of a crop failure when he will receive neither rent for his land and other property nor payment of the money he has advanced. He is, therefore, an interested factor and lends his supervision or that of his agent to the success of the cropper's undertaking. The cropper, like many other southern Negro farmers, may be uneducated and disinclined to work more than is absolutely necessary for subsistence. He may be irregular, non-progressive, and inefficient. Unable to carry on an independent enterprise, he would sink to the status of laborer were it not for the driving force of the white man. This furnishes him with the power necessary to effect a successful harvesting of the crop.

While this paternalistic system aids the Negro in establishing himself as a farm operator and tides him and his family through hard times, it makes him less independent, tends to keep him in debt and subject to the will of another man. The Negro borrower is frequently so greatly in arrears that he is no longer a free agent but must remain bound to the one plantation, ever working out his debt, ever borrowing to exist. Under such circumstances, the Negro is virtually in a state of peonage, though he is bound by no court order. The practice has become systematized among unscrupulous landlords and employers who will sometimes take extreme measures to keep the Negro and prevent him from going elsewhere. He may be arrested on some small pretext. His employer is waiting in court to pay his fine. The Negro is then required to work out the fine. In this way he is bound to remain with his employer for a certain period of time or suffer imprisonment. The Negro himself loses sight of law

and justice. He commits petty crimes, knowing that his employer will stand the fine and he will not have to go to prison. Landlords have been known to sell their claim against the Negro to some farmer wanting to procure labor. This may be done with or without the consent of the Negro debtor. If done without his consent it is almost equivalent to selling the Negro.

In recent years, the system of legal peonage, the leasing out of convict labor, has not been so prevalent. It was even claimed that it had practically passed away in the south, but early in the year 1921 the "Williams case" came to light. John S. Williams of Georgia had been in the practice of buying out Negro prisoners who were then bound to work on his farm. These men, held in peonage, were subjected to great brutalities. Williams and his Negro foreman were arrested, charged with murder. The foreman exposed his master's crime, and not one but eleven Negroes were said to have been murdered on the master's orders. The remains of bodies were discovered on the plantation. The evidence was so strong that a white jury sentenced Williams and his foreman to life imprisonment.

The Governor of Georgia then issued a pamphlet making public 135 cases in which Negroes had suffered injustice, ill treatment, and even death. In only two of the cases were the Negroes accused of crime against white women. Many of the examples cited were instances of peonage, showing that this system still exists in the south.

While legal peonage is, broadly speaking, only a diminutive factor in modern southern life, the type of peonage which is characteristic of the tenant system, given an unscrupulous landlord and a weak Negro, is more widespread. The dominance which may be exercised by landlord over tenant and the latent possibilities for fraud and exploitation are outstanding defects of this system. It also helps to maintain the one crop method of farming which has at times proved so hazardous and shortsighted. The failure of the staple crop means heavy financial loss and possibly ruin for the persons involved. Under the tenant system, the landlord stipulates what crops the cropper shall raise. These ordinarily consist of cotton or corn and the cropper must confine the major part of his farming to these staples. It is only when he becomes an independent renter or farm owner that he can branch out into other fields. The renter enjoys a greater degree of independence than the cropper; but like the cropper, his independence varies with his ability and his financial condition. If he has accepted advances from his landlord, he can expect a

greater measure of interference in his affairs. The renter pays his rent either in cash or in kind. The ambitious Negro farmer prefers the position of renter to cropper and of owner to renter. With the progress of the race, the increasing opportunities offered to secure an education and to specialize in agriculture, the Negro farm operator group shows steady advances.

In making any comparison between the white and Negro farm operators, the peculiarities of the tenant system in the south must be taken into consideration. Three-fourths of the Negro farmers are tenants. A large number of these are croppers rather than independent renters. Often subject to close supervision, they must share the credit for whatever success they attain with their white supervisors. On the other hand, considering the comparatively short period which has elapsed since Negroes had neither property nor freedom, their progress in agriculture as well as in industry and the professions is good. They have steadily advanced from the status of farm laborers to that of tenants, managers, and farm owners. They have cared for and improved the property they have acquired. The value of the land and buildings held by Negroes increased considerably more from 1900-1920 than did the value of all farm land and buildings. This was probably due largely to the fact that most of the Negro farms were situated in the south where farm property showed greater appreciated values than in the north and west. The Negro usually has a much smaller farm than the white man, but this again is partially due to the section of the country in which his farm is located. In the south the average size of all farms is, comparatively speaking, small. While the Negro has a small farm, he has had the industry to cultivate a large part of it. In 1910, practically two-thirds of the average Negro farm was improved and but a little over one-half of the white farm. The very smallness of the Negro farm necessitates the improvement of a greater proportionate acreage. The white farmer with his larger capital can afford to buy up and hold unimproved lands for future sale at advanced prices. The Negro generally lacks the funds and possibly the foresight to follow this course.

The Professions

In the professions the Negro has made greater strides than he has in agriculture. When the race was freed, it was practically without trained doctors, nurses, teachers, lawyers, ministers, and other professionals to care for its members. These had been

furnished by the white race. The reconstruction period in the south created a wide division between the races. Masters who might conscientiously care for beings wholly dependent on them did not feel the same sense of responsibility toward freed men. New problems confronted the Negroes on every hand. One of the greatest was to train and equip members of their own race to meet the health, religious, legal, and educational problems of free men. This they have succeeded in doing to a remarkable extent. To-day, the race has competent men in every profession. Much still remains to be done before the Negro professionals as a group can be compared with white professionals, but they have come a long way. There were in 1910, 146 persons to every professional for the Negro race and 51 for the white race. The ministry was the only profession in which the Negroes had relatively more representatives.

Negro Migration During World War

The Negro professional is strictly limited to a Negro clientele, but he meets with less competition than the industrial worker. In such non-manufacturing pursuits as domestic service, hotel and laundry work, the Negro worker is always in demand particularly in the south, and large numbers of Negroes are employed in these occupations. There are many more in other unskilled or semi-skilled work both within and without the manufacturing field. But there is less chance for the Negro worker in the skilled trades.

The great opportunity for the Negro came during the World War. At this time there was a general exodus of southern Negroes to the north. The war gave a new impetus to industry. It demanded a large force of workers to fill war needs and to occupy the places left vacant by enlisted men. Foreign immigration had practically ceased. It seemed as if an opportunity long desired had come. To the unfortunate, the restless, dissatisfied, and ambitious, a chance to leave the south was offered. The movement was part of a general flow from south to north which had gone on for years, increasing in volume at different periods. The period of the World War, creating a demand for Negro labor, naturally meant a swelling of the stream. It is estimated that in the decade 1910-1920 approximately 400,000 Negroes went north. While some Negroes born in the north and west went south, the number was comparatively small.

As the demand for Negroes was largely industrial, the natural course of the migration was toward the cities. New York, with

152,467 Negroes in 1920, an increase of 66.3 per cent, became the colored metropolis of America. Philadelphia with 134,229 had the second largest Negro population. Chicago, Detroit, Newark, Pittsburgh, Cincinnati, Cleveland, Columbus, Indianapolis, St. Louis, Omaha, and other cities asked and received their quota of Negro laborers and showed in 1920 a big growth in their Negro population. The reasons for the migration were both economic and social.

The cotton boll weevil, a destructive pest, seriously damaged the cotton crop in the south over a large area in the summers of 1915 and 1916. The floods of 1915 added to the destruction. This state of affairs threatened to unsettle farming conditions in 1917. Many farmers were ruined. Credit to tide them over the catastrophe was refused when no cotton was forthcoming as security. Farm tenants were even advised to leave by planters in some of those regions particularly affected. The result was unemployment among Negro farmers and farm laborers and low wages, which did not keep pace with the advancing cost of living, for those able to secure work.

The north was offering high wages. Negro women receiving $2.50 a week in domestic service in the south could earn from $2.10 to $2.50 a day in the north. Men, making less than $1.00 to $1.25 a day, might expect to receive from $2.50 to $3.75.[1] The bad economic condition was aggravated by the resentment of many Negroes to the treatment they felt was accorded them in the south. They complained of the low wages, segregation, poor educational facilities, the denial of the franchise, bad living conditions, arrest and imprisonment for minor causes, prejudiced treatment in court trials, lynching, and peonage. They looked upon the north as the promised land where racial discriminations would be softened or swept away. Many of them met with disappointment, chagrin, and discouragement when they reached the land of hope. Others felt their situation improved. The color line, though still in evidence, was less pronounced. They were often able to secure a better livelihood, a better education, and improved living conditions for their children. Racial jealousy and hatred were evidenced in the ill-feeling displayed against Negroes moving into white districts or patronizing white resorts, restaurants, and places of entertainment. It was seen in the attitude of some of the white workers toward those Negroes employed in "their" industry. It was reflected in trade union opposition.

[1] Carnegie Endowment for International Peace, "Negro Migration During the War," p. 17.

These conditions were not new, but they were aggravated in those cities where there was a mushroom growth in the Negro population.

The Negro and the Trade Union

Though the American Federation of Labor has consistently expressed its creed of no racial discrimination, the separate unions with their autonomous governments, have often failed to put it into practice. The federation cannot compel an adoption of its policy; but it can organize Negroes into federal locals affiliated directly with the American Federation of Labor. In 1920 out of 900 such locals, there were 169 composed exclusively of Negroes.[2]

Of the 110 national and international unions affiliated with the American Federation of Labor, eight expressly barred Negroes. Of these all but one were connected in some way with transportation. Several of the remaining 102, while they did not expressly exclude Negroes, had no Negro members. Twenty-eight of these stated that there were "no Negroes in the trade" or no applications had ever been received. Others, having a small Negro membership, said that employers did not want Negro workers if they had to pay the union scale; that the periods of apprenticeship were long and for this reason Negroes failed to join.[3] Some of the unions which might have admitted Negroes were they employed in the trade covered by the union, claimed that their non-employment was due to the employer. The employer in turn blamed the public for his conduct. His action in refusing to hire Negro workers is often based on the attitude of the people whom he serves. It is customary to employ only whites in those occupations mainly serving whites. Conductors, motormen on street cars, chauffeurs of taxi-cab companies, telephone operators, sales clerks in department stores are employments usually reserved to whites. Naturally the unions covering such occupations have no Negro members. Yet the dearth of Negro employees in certain industries is no reason for refusing them membership in those industries.

Even when the national or international unions freely admit Negroes, it is no criterion that the local chapters will follow their example. They may exercise their local option and deny Negroes admission. An investigation of the local unions in Chicago showed that in general local unions pursued one of four policies:

[2] Chicago Commission on Race Relations, "The Negro in Chicago," p. 405.
[3] *Ibid.*, pp. 407-408.

a. Admit Negroes into full membership in white locals.
b. Admit them to full membership but maintain separate Negro locals.
c. Place them in subordinate or auxiliary locals under the jurisdiction of white workers.
d. Exclude them from any form of membership.[4]

Of the unions not affiliated with the American Federation of Labor, the most important are the four railroad brotherhoods, the Amalgamated Clothing Workers of America, and the Industrial Workers of the World. The Amalgamated Clothing Workers and the I. W. W. admit Negroes and make particular efforts to secure their membership. The railroad brotherhoods exclude Negroes by constitutional provision.[5]

The attitude of many unions in the past and of those which still exclude Negroes has aroused ill-feeling in the Negro worker who feels his chances in industry curtailed. Sometimes he has secured his first foothold in a desirable employment by acting as a "scab" in a strike. His reaction is to take the part of the employer who gave him his chance in opposition to the workers whose objections kept him from being hired until industrial friction occurred. Possibly the employer would not have engaged colored help had he not been forced to do so because of the strike. This is not the side of the situation which the Negro sees. He only realizes that through the white owner he has gained an opportunity to earn a better living for himself and family. Colored leaders, seeing their race discriminated against, believing the Negro's chances to be increased through his willingness to act as a scab, have sometimes urged him to remain out of the union even after the white worker is ready and anxious to have him join. For these reasons, the white trade unionist is often prejudiced against the Negro. He forgets that much of the Negro's attitude is determined by the white worker's action in the past and by the efforts still made to keep Negroes out of certain industries, to keep them in unskilled work and in undesirable employments. A majority of labor leaders to-day are opposed to the policy of denying Negroes union membership. The sentiment is rather generally in favor of admitting them to the unions, not only for their own sake but for the sake of all workers.

[4] "The Negro in Chicago," pp. 411-420. The great majority of the local unions included in the investigation were affiliated with the A. F. of L.

[5] *Ibid.*, p. 408.

The Negro in Industry

The World War created new reasons for admitting Negroes to trade unions. During the war, Negroes were given increased industrial opportunities and were employed in a wider variety of occupations than ever before. The discontented southern Negro seized his chance to obtain remunerative work in the north. The northern Negro was free to enter occupations hitherto denied him because of the color line. An interesting report made by the division of Negro economics in the United States Department of Labor, entitled "The Negro at Work during the World War and during Reconstruction," covers Negro workers distributed through 26 states and the District of Columbia. Data is given for 292 establishments where 129,708 whites and 62,340 Negroes were employed. One hundred and fifty-one of these plants were engaged wholly in war work and from 50 to 99 per cent of the activities of 99 more were war work. Thus the material largely concerns Negro war workers. These workers were in many instances employed in establishments and in work which would ordinarily have been given white men.

The evidence shows that the Negro was an increasingly important factor in northern industries as the war progressed and white men were called into service. It indicates that while the majority of Negroes were engaged in unskilled work, there was a fair-sized minority doing skilled work. In the ship building industry, the proportion of skilled workers retained after the armistice was considerably greater than the proportion of unskilled. Evidently the skilled workers in this industry did well, for when a general reduction was made in the laboring forces, comparatively few were dismissed.

Hours and Wages of White and Negro Workers in Twenty-three Establishments. A comparison was made of the hours and wages of Negro and white workers in twenty-three establishments covering six basic industries—foundries, slaughtering and meat packing, automobiles, coke ovens, glass, iron and steel and their products. Eighty-five different occupations in which five or more Negroes and five or more whites were engaged, were taken as the standard of comparison. Of these, eight were classified as skilled, twenty-five semi-skilled, and fifty-two unskilled. The conclusions drawn from this material are based on the fact that colored and white workers were employed in the same industries, at the same work, under supposedly equal conditions. The number of hours worked per week may be taken to indicate the regularity, the

industry, or the economic necessity of the worker. The average hourly earnings may be said to show the degree of his efficiency, speed, and output.

Skilled—Eight Occupations. 1. *Hours.* The Negroes worked longer hours in four of the eight skilled occupations; in four they worked less hours. Thus on an average the whites and Negroes worked the same number of hours; and if hours may be taken as a criterion showed the same degree of industry and regularity.

2. *Wages.* In two of the eight skilled occupations, the Negroes received higher average earnings per hour and in six they received lower. In the majority of cases, the Negroes were paid less than the whites in the skilled occupations though in two of the occupations they received more. This would lead to the supposition that the whites were more efficient than the Negroes in the skilled work. Racial discriminations can be largely ruled out as a factor influencing the difference in pay, as Negroes averaged higher rates than whites in the semi-skilled occupations included in the survey.

Semi-Skilled—Twenty-five Occupations. 1. *Hours.* In twelve of the semi-skilled occupations, Negroes worked the same number of hours as whites, in eight they worked longer hours, and in five less hours. Thus in twenty of the occupations, they worked the same or longer hours than whites, and in five they worked less hours. This would indicate a possibly greater industry, application to duty, or economic necessity for the Negroes than for the whites. Were the family responsibilities of the two groups known, it would be possible to determine more definitely whether the Negro worked longer because of his greater necessity, diligence, or ambition.

2. *Wages.* The average hourly earnings of Negroes and whites were the same in twelve cases. In eight Negroes received more per hour and in five they received less. Again in twenty instances Negroes received the same or higher pay, and in five they received less. This would indicate that in the semi-skilled occupations they were more efficient than the white workers, for their pay on the whole was greater.

Unskilled—Fifty-two Occupations. 1. *Hours.* The Negroes showed a higher average of working hours per week in twenty-three or a little less than one-half of the occupations, a lower average in sixteen or slightly under one-third, and the same average in thirteen or one-fourth. They were then employed somewhat longer hours than the white workers, probably for the reasons already named.

2. *Wages.* In eighteen of the occupations or a little more than one-third of the total number, a higher average wage per week was earned by Negroes. They received lower average wages per week in twenty-two of the occupations or about two-fifths of the total number, and the same in twelve units or about one-fourth. Their wages, on the whole, were slightly less than those of the whites showing approximately the same degree of efficiency.

Considering all of the 85 occupations included in the study, it is evident that in 35, Negroes worked longer hours, in 25 they worked less hours, and in 25 the same. It would seem from these data that the Negroes were slightly more industrious, more faithful in attendance, or more greatly in need of money than the whites. They received higher average earnings in 28 of the occupations, the same in 24, and less in 33. They earned then somewhat lower wages than the whites but as it is probable that more of the Negroes were unfamiliar with manufacturing work, it is not surprising that their degree of efficiency was lower.

Employers' Statements as to the Comparative Efficiency of Negroes and Whites. While hours worked and wages earned are indications of the comparative diligence and efficiency of whites and Negroes, it is also necessary to obtain the viewpoint of employers hiring the two races. A comprehensive study of this kind has been made by the Chicago Commission on Race Relations. This commission was appointed after the Chicago riot of 1919 to investigate and report on racial conditions in Chicago. For the industrial portion of their report, they endeavored to find out the opinion of employers concerning their Negro help. A questionnaire was sent to 137 establishments employing Negroes, asking if Negro labor had proved satisfactory. One hundred and eighteen establishments, employing 21,640 Negroes, replied that it had. Nineteen establishments with a force of 697 Negroes stated it had not. Of the nineteen reporting unfavorably over two-thirds were manufacturing concerns.[6]

Representatives of 101 establishments were interviewed to ascertain the comparative efficiency, reliability, regularity, and labor turnover of the Negro and white workers. Three-fourths of the employers considered Negroes to be as efficient as whites. The proportion holding such an opinion was greater in the non-manufacturing than in the manufacturing industries. Over two-thirds of the establishments reported that Negroes did not require greater supervision than whites and were as reliable. The non-manufacturing industries again made a more favorable report.

[6] "The Negro in Chicago," pp. 373-374.

The regularity in attendance of the two races was held to be the same in over three-fifths of the firms reporting. But it was the replies of the non-manufacturing establishments which brought up the general average. Almost three-fourths of these believed the Negro's rate of absenteeism to be no greater than the whites. Less than half the manufacturing firms reported favorably in this instance. More than 53 per cent of the firms thought the labor turnover of the Negroes was greater than that of the whites. Again the poor showing of the manufacturing firms brought down the Negroes' record. Over three-fifths of these firms felt the Negro was less likely to remain at work than the white man, while more than half the non-manufacturing firms held the turnover of their colored help to be no greater than that of their white employees.[7]

It is significant that in every instance the greatest proportion of employers who felt Negroes to be on a par with whites were in the non-manufacturing industries. Of those who felt them to be less satisfactory, the greatest proportion in every case was in the manufacturing industries. The reason for this probably lies in the fact that Negroes, as a body, have had less training and experience in the manufacturing than in the non-manufacturing industries. They have been concentrated in greater numbers in the latter group, employed in such occupations as work on railroads, hotel and laundry work, taxicab upkeep, etc. As a recognized part of the labor force, race prejudice is at a minimum in these industries. This factor, together with greater familiarity with the work, would make the Negro particularly efficient in non-manufacturing pursuits. He would naturally tend to be less competent in manufacturing occupations where he is often a comparatively new, less important, and less experienced part of the labor force.

Negro Women in Industry

It would hardly do to close this account without some special mention of Negro women in industry. In proportion to their numbers, there are almost three times as many Negro as white women gainfully employed. In fact slightly under two-fifths of all Negroes working for money are women. This condition is largely due to the general poverty found among Negroes which compels the women to piece out the family income. Like the Negro males, over half of the Negro females are engaged in agri-

[7] "The Negro in Chicago," pp. 374-378.

culture and practically all of these agriculturists are located in the south. Agriculture, together with domestic and personal service, engrosses the services of the great body of Negro women workers.

To white women, often fall the less remunerative, desirable, or responsible positions which are not wanted by white men of the same class and education. Negro women get the left-overs from the Negro men. They are the scullery maids of industry. White men, white women, Negro men precede them. They receive the scraps. During the war, Negro women, like Negro men, had new opportunities in industry. There was a general swing away from domestic work into factory employment. As white women advanced into the more highly paid or skilled positions and into new industries, Negro women were recruited to take their places. They were largely drafted into the traditional woman-employing, food, fabric, and tobacco industries when white women left to enter new and often better paid occupations. While approximately 75 per cent of the Negro women employed in manufacturing and mechanical industries during the war were concentrated in these "woman" industries, the rest were thinly scattered in a variety of occupations. They worked in positions ranging from the very unskilled, sorting and packing, to highly skilled such as loading shells, operating lathes, cleaning and repairing automobiles, flagging trains, and salvaging railroad wreckage. They were employed in nearly every possible way in hotels. They did a variety of office work and were engaged as elevator girls in stores and office buildings.

The Negro woman was accepted largely as an experiment. She usually went to her work untrained and was handicapped from the start by both sex and color. As she was often new to manufacturing industries, she had many lessons to learn. Of thirty-four employers who gave an opinion concerning her work, fourteen found it as satisfactory as that of white women, three found it better, seventeen thought it less satisfactory.

Conclusion

In industry, both Negro men and women have a greater chance for equality in certain types of employment than they have in social or political life. If, however, they attain a degree of education and efficiency which enables them to compete for desirable work, hitherto exclusively the premise of white workers, they meet with racial jealousy and discrimination. They have not yet

attained equality even in the trade unions whose parent organization has for years condemned racial discrimination. Negroes, educated for a profession, are employed almost exclusively by members of their own race and must be content to seek their clientele within the color line. The Negro agriculturist is in the majority group of Negro workers. As laborer he is needed by the southern white. As tenant farmer, he is dependent to a great degree upon the good will of the white man. As a farm owner, given the necessary foresight, frugality, and ambition, he could go far. In such a position he is independent of the white man and can by his own efforts produce goods acceptable to both races.

X

THE PROBLEM

Traditional Idea of the Negro

The Negro, as a slave, was looked upon as property rather than as a human being. This was the status of the vast majority of Negroes in the United States until the Civil War. The black slave was naturally thought of as inferior to the free white man. He lived a different life, moved in a different world. He was forced to serve and was subject to his master's orders, to his jurisdiction, and his punishment. Such a condition determined the conduct of the white man toward the Negro in the days of slavery and in the later days of freedom. It helped to form his opinion of Negroes as a people. It made him inclined to forget that Negroes, like white men, differ widely. Some Negroes may be criminal, inferior, common, and immoral, but other Negroes are honest, law-abiding citizens of good mentality, refined tastes, and high standards of morality. It is only as individuals rather than as races that the white and Negro can be satisfactorily compared. Yet as generalizations are the only feasible methods of comparison, certain wide-spread characteristics are attributed to the two races as a whole. A large number of their members who partake not at all or only in a slight degree of the ascribed qualities are thereby stigmatized or complimented.

Racial Inferiority

The question of the Negro's inferiority must be approached with caution. Certainly as a race he is to-day inferior in economic, political, scientific, and artistic achievement. Whether this inferiority is innate or the result of circumstances has not been conclusively proved. Before the latter part of the nineteenth century, there were few Negroes with the education or the chance for education which is necessary for the achievements of most people. To-day, the average Negro does not have the same educational opportunities as the average white man. This is partly the result of his economic condition, partly the

consequence of inferior schools. Even with an education and the advantages of wealth, the Negro meets with definite racial discriminations. He is handicapped from the beginning. Should he advance as far as the white man similarly placed, he would do so because he was the white man's superior and had overcome barriers unknown to his white competitor. Often the barriers are insurmountable. Even the man of exceptional intelligence cannot hope to overcome them for there is always a white man equally clever and intelligent to precede him.

The discriminations do not account however for the lack of racial development found among the half savage Negro peoples of Africa. Why have the centuries rolled past leaving them almost untouched? To the white races those same centuries have meant a steady growth in civilization, in power, education, freedom. Are the climatic conditions to blame for this seeming lack in the Negro race? In a different climate with different surroundings and new associations, could the Negro race, given an equal opportunity, ever develop as has the white race? These are questions answered in different ways by different people. Some anthropologists claim the Negro is not inherently inferior and that other causes have produced his seeming inferiority. Other authorities argue that he is, and still others think the question as yet unanswerable.

Why should the Negro average a lower standard in intelligence tests than the white man? Is it because he is actually of a lower mental caliber? Is it partly due to his economic condition, his training, his lesser advantages? Are intelligence tests a criterion? We know that the tests have been only fairly successful in separating the feeble-minded from the normal, and in ascertaining degrees of intelligence in normal human beings they are still in their early stages. Many quantities enter in which vitally influence the outcome. The handicap of unfamiliarity with the English language and American customs is a partial reason for the often low record of foreign races. Health, environment, economic status, parental influences, worldly experience—these and many other factors may affect the result. As Negroes seldom have equal chances with whites, as they usually come from poorer homes, they would naturally be more likely to attain a lower average in intelligence tests. Yet when groups of white and colored children with comparatively the same environment are considered, the whites still excel. Can the different racial heritages of the two groups and the fact that the tests are arranged for white children be responsible? These conditions must

all be taken into consideration. When this is done, it may be said that intelligence tests point to certain conclusions. The Negro race taken as a whole seems to be mentally inferior in its present stage of development to the white race. Some Negroes are however superior to some white men. These Negroes are not necessarily mulattoes. But mulattoes, like white men, attain a higher average in intelligence tests than full-blooded Negroes.

Army tests showed that the average white man surpassed the average mulatto, and the average mulatto, the average full-blooded Negro. While 20 to 25 per cent of the Negro recruits equaled or exceeded the performance of the average white soldier, the great mass was inferior. Those Negroes having the most white blood, as shown by the color of the skin, obtained a higher average score than those with less white blood. A summary of the test showed, roughly speaking, that 20 per cent of pure Negroes, 25 per cent of those three-fourths Negro, 30 per cent of true mulattoes and 35 per cent of quadroons equaled or excelled the whites' average. A counteracting influence in the poor-showing of the Negroes was their illiteracy. This might tend to handicap them in the intelligence tests. There was more illiteracy among the dark Negroes than among the mulattoes and more among the mulattoes than the whites. The literacy standard was "ability to read a newspaper and write any sort of a letter." [1] While three-fourths of the whites could qualify under this standard, but one-third of the Negroes were able to do so. The proportion was greater for the mulattoes than for those of a darker color. Was this illiteracy the result of discriminatory causes which prevented the Negro from securing an education? Was it because of inertia, lack of ambition, and other traits making for racial inferiority? Was the mulattoes' greater literacy due to his white blood or to his greater advantages? Were the possible advantages accruing to the mulatto obtained because he was superior to the pure-blooded Negro? The performance of the mulatto which for whatever cause was superior to the full-blooded Negro would seem to substantiate the contention of those who believe the mulatto to be the black's superior, to furnish the leaders of the Negro race, and to complicate the race problem.

Mulatto Element

If the white race has, as it claims, a racial antipathy to the Negro, if the color, features, and general physical appearance of

[1] *Scientific Monthly*, June, 1921, pp. 533-543. Article by G. O. Ferguson, Jr.

the black are repulsive; if the white race is superior and wishes to preserve its racial integrity, where did mulattoes come from? Evidently all members of the white race did not feel that innate revulsion which would prevent racial amalgamation, nor did they have the conscience or foresight to appreciate the result of their act. Such a revulsion may exist in large numbers of persons. It may be strong enough to prohibit any sex relations in the majority of instances, but in others, it does not prevent the crossing of the color line. Social stigma is perhaps a stronger deterrent than natural revulsion. Its influence may be seen in the fact that members of the best families have been the parents of illegitimate mulatto children, while only the lower elements of the white race have ordinarily been parents of legitimate mulatto children, a paradoxical situation arising from perverted ideas. In the one case the relationship, temporary and clandestine, was often successfully concealed, or if suspected, tolerated. In the other, though it was open and legal, it brought ostracism and disapproval even from the low class to which the white person usually belonged.

Such a condition was the result of several factors. Many states have laws forbidding intermarriage between whites and persons with Negro blood. These laws express the attitude of the majority of white persons toward miscegenation. Sometimes they do not prevent but rather encourage the very thing they seek to avoid. Under such laws, the white man can sin with the colored woman and seldom suffer any punishment for his act. On the Negro woman falls the burden and care of the illegitimate child. Were the white man forced to marry his colored mistress he would hesitate long before he had relations with her. He would not care for the continued, close association, the social ostracism, the loss of position which marriage would entail. Social stigma would restrain him in whom natural revulsion was seemingly missing.

Though crossing the color line by whites is probably less frequent than it used to be owing to the developing public disapproval of clandestine as well as open relations, the numbers and proportion of mulattoes in the Negro group increased steadily until 1910. This increase was due in large part to intermarriage between mulattoes and between mulattoes and blacks. From 1910 to 1920 there was a big decrease both in the number and proportion of mulattoes. This decrease can only be accounted for by inaccuracies in the census. It is inconceivable that no natural increase among the mulattoes took place during this period or

that large numbers either died off or moved away. Part of the discrepancy can be explained by the fact that in 1910 many of the enumerators who took the Negro census were Negroes. They could more easily detect a trace of white blood and would be more careful to ascertain whether a Negro claimed such blood than would the white enumerators. In 1920 there were fewer Negro and more white enumerators. The latter were probably less careful in respect to differentiation of mulatto and black with the resultant diminution in the size of the mulatto group.

PER CENT OF MULATTO TO TOTAL NEGRO GROUP

Years	*Total*	*Black*	*Mulatto*	*Black*	*Mulatto*
1920	10,463,131	8,802,577	1,660,554	84.1	15.9
1910	9,827,763	7,777,077	2,050,686	79.1	20.9
1890	7,488,676*	6,337,980	1,132,060	84.8	15.2
1870†	4,880,009	4,295,960	584,049	88.0	12.0
1850	3,638,808	3,233,057	405,751	88.8	11.2

* Includes 18,636 Negroes enumerated in the Indian Territory not distinguished as black or mulatto.

† Figures not accurate as deficiency in southern states where the majority of Negroes concentrated.

The mulatto in the Negro group is the living consequence of a racial blunder. Part white, part black, belonging to neither race, yet forced to the status of a Negro if his colored blood can be detected, he is restive within the color line. He is apt to be more bitter, more eager to break down racial barriers than his darker brother. He wishes to cross the line to that white side to which he may be more closely allied by his feelings, training, and heredity than he is with the black. Forced to bear the brunt of an act of which he is entirely innocent, he is an element in the Negro population which cannot be ignored in any consideration of the problem. He has helped to develop the Negro's growing spirit of race consciousness. His talents bounded by the color line, his pride injured by the race whose blood he can partly claim, he determines to advance the cause of that other race by whom he is accepted and with whom he is wholly classified.

Negro Race Consciousness

Negro race consciousness has slowly evolved since the emancipation of the slaves. Possibly even in slave days the common status of the Negroes, their associations, and their hardships

gave them a feeling of brotherhood. This spirit of race consciousness was strengthened by freedom, education, injustice, and racial segregation. It developed along the color line. It threatens to overwhelm the line and to widen the area of Negro achievements. It was fostered during the Great War when Negroes fought "to make the world safe for democracy." Grouped in colored units, often under officers of color, they learned racial solidarity. When they returned home, they expected some practical application of the ideal for which they fought. They were met by the color line. Forced back into themselves, they asked a question to which no reply has yet been made: "Was the democracy for which we fought for white men only?"

The same spirit of race consciousness is manifested whenever a race riot occurs and the Negro as a race strikes back as in the Tulsa, Chicago, Elaine, and Washington riots. It shows itself in the growing prosperity of the race, in property ownership, in literary and artistic productions, in the growth of the Negro press, business enterprises, and Negro educational institutions. In 1866 Negroes owned some 12,000 homes, operated some 20,000 farms, conducted about 2,100 businesses, and were said to be worth about $20,000,000. In 1922 they owned over 600,000 homes or one-fourth of all the Negro homes established; operated some 930,000 farms; conducted about 60,000 businesses; were said to be worth over a billion dollars, and to own about 22,000,000 acres of land, an area greater than the combined area of New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. There were in 1920 over 40,000 Negro churches where there had been less than 700 in 1866. The two newspapers published by Negroes in 1863 had grown to 400 odd newspapers, magazines, and periodicals published by or for Negroes in 1920. The 15 Negro colleges and normal schools existent in 1866 had been increased by 485 in 1922. Instead of 600 Negro teachers there were approximately 43,000.[2]

A league of Negro business men, known as the National Negro Business League, had been formed and held annual meetings. In their gatherings for 1919, 1920, and 1921 they resolved to increase the number of representatives of large Negro business enterprises, to promote Negro coöperative enterprises, to devise ways of securing large amounts of capital. Negro laborers denied admission to white unions or impatient with their attitude show an increasing tendency to organize in independent Negro unions.

[2] "Negro Year Book," 1921-1922, *passim*. All so-called Negro colleges are not, however, up to the standards of white colleges.

An important phase of this movement is the organization of Negro railroad employees and the meetings of their representatives to formulate plans to improve working conditions for Negroes and to do away with industrial discrimination.

The developing race consciousness is seen in the pride Negroes have in their own exploits. For instance, the "Negro Year Book" for 1921-1922 contains page after page listing the achievements of the Negro race and of Negroes as individuals. It contains such headlines as:

"NEGRO MAKES NEW WORLD RECORD LAYING BRICKS."

"NEGRO CHILD AWARDED PRIZE FOR BEING PHYSICALLY MOST PERFECT PRE-SCHOOL CHILD."

"FIRST HONORS IN MIXED SCHOOLS WON BY NEGROES."

NEGRO "GRADUATES CUM LAUDE RADCLIFFE COLLEGE."

"NEGRO STUDENTS ELECTED PHI BETA KAPPA."

NEGRO "THE YOUNGEST PERSON TO RECEIVE PH.D. DEGREE THE UNIVERSITY OF PENNSYLVANIA."

"NEGRO PHYSICIAN SECOND ON LIST OF 200 INTERNSHIP, FOR EXAMINATION."

"BEST FRENCH NOVEL OF THE YEAR WRITTEN BY NEGRO."

"NEGRO ACCORDED PLACE AMONG TEN MOST DISTINGUISHED CONTRIBUTORS TO DRAMATIC ART, 1921."

"NEGRO FOOTBALL STAR GIVEN A PLACE ON 1921 ALL-AMERICAN TEAM."

"GREATEST LONG DISTANCE RUNNER IN COUNTRY A NEGRO."

DETROIT NEGRO "IN 48 YEARS TAKES OUT 57 PATENTS."

"SELF-STARTER FOR AIRPLANE MOTORS DEVISED" BY NEGRO.

Contribution of White Man Toward Negro's Progress

The progress made by the Negro since the Civil War is commendable, but it cannot all be credited to the Negro alone. While the white has placed racial barriers in the Negro's path and has discriminated against him, the Negro has had the benefit of the white man's experience and of the social and educational institutions developed by him. A stable government, the product of the white man's brain, has protected him. He has had the white man's friendly aid, his money contributions. The Negro, it is true, was brought to this land by force, but even in slavery he was allowed to partake to a certain degree of the civilization which the white man had laboriously built up. Since slavery the white man has both aided and restrained him. He is willing to help the Negro and to teach him but unwilling to see him graduate and to give a favorable answer to the independent, educated human being's request for equality.

The Problem

The white man drives the Negro back to his own race, to achievements within the color line. There the Negro learns race feeling, confidence, pride. He asks not only for himself but for his brothers, ". . . equal opportunity to develop himself by his own labors . . . equal opportunity to compete with every other American for the identical fruits and blessings achieved by any other American under the American form of government . . . equal opportunity to acquire any and everything other men acquire through honest toil and sacrifice." It is this request and the white man's refusal, based on his traditions, his heritage, his race pride, his belief in Negro inferiority, his racial antagonism, which creates the Negro problem to-day and raises certain questions as to the ultimate result.

Will Negroes be overwhelmed by numbers and racial prejudice until, like American Indians, they gradually disappear and the remaining few amalgamate with the white? Will they be strictly confined in a race group, developing along separate lines and nourishing a spirit of race consciousness and race antagonism? Will the races be able to advance together, mutually coöperative, maintaining their separate identity yet eliminating discriminations? If discriminations are eliminated will that mean the disappearance of a color line and the final amalgamation of the Negro race?

XI

PROPOSED REMEDIES FOR THE NEGRO QUESTION

President Harding's Address on the Status of the Negro

President Harding, on October 26, 1921, spoke before a large audience of white people and Negroes in Birmingham, Alabama. As supreme executive of the United States he gave his views concerning the race problem. He pled for the political and economic equality of the Negro, at the same time repudiating social equality. Economic equality he defined as "equality proportioned to the honest capacities and deserts of the individuals." He described political equality as the right to vote when a man is fit to vote regardless of color. Social equality he stated was an impossibility but suggested that the word "equality" be eliminated and the social status of the two races be regarded rather as based on a "fundamental, eternal, inescapable difference." Racial amalgamation, there could not be. President Harding praised the developing race consciousness of the Negro and urged him to grow as a distinct race with ambitions, aspirations, traditions, and heredity of his own. A definite race feeling on the part of Negro as well as white would, he thought, bring about natural segregation and eliminate the necessity of artificial bars set up to keep the races apart. The Negro must not try to be a white man but must try to be the best black man possible. The President then stood firmly for political and economic equality and the doctrine of the separate development of the two races. He was strongly against racial amalgamation and social equality.

Much comment followed the President's address for few of his predecessors had had the temerity to publicly express their ideas on so controversial a subject as the race question. Newspapers and periodicals vied with each other in criticism and praise. The opinions drawn forth from the public and its organ, the press, are all indicative of the different schools of thought in the United States concerning the Negro question. The white north, the Negro himself, and the white south are all represented.

The White North

President Harding expressed the majority view of the white north which is unprepared to give the Negro greater rights than those outlined by the President. Race feeling has proved itself as strong in the north as in the south when any considerable number of the two races are thrown into close proximity. It is even doubtful whether the north would support the President's theory of political equality if such equality meant in any northern state a majority of Negro votes and possibly Negro control. The Negro has never received economic equality in the north. He has had greater competition from white labor than in the south where he supplies most of the unskilled agricultural labor. He has suffered from the same prejudice on the part of labor unions in both north and south. Would the white northern laborer support Mr. Harding's plea for economic equality? There is little race feeling against the Negro in the north as long as his numbers are few. But in any place where Negroes are numerous the demon, "race," is liable to appear with resultant friction. There is really little difference in the fundamental feelings of white northerner or white southerner. The question is largely one of numbers and proximity. Liberal or strict treatment varies in ratio to these two factors.

The Negro

The Negro himself had much to say regarding Harding's speech. The Negro papers were full of comments. The New York *Age* was scathing in its interpretation of the President's stand on social equality. It claimed the position was taken to solve the uneasy conscience of the whites, the men who in the past had done much to bring about a "quasi social equality" by mixing the blood of the two races. In the New York *Crusader*, a Negro monthly paper, Dr. Cyril Briggs, executive head of the African Blood Brotherhood, condemned President Harding's speech. According to Dr. Briggs it supported the worst "negrophobist" element in the south. This element stands for denial of social equality. It supports Negro leaders who acquiesce in such denial. It gives tacit acknowledgement to the claim that the Negro is inherently inferior. It promotes the doctrine that black men should not try to be white men, a doctrine resolving itself into a denial of the white man's rights and privileges to the Negro, and the prohibition of racial amalgamation which results in ap-

proval from a white south which secretly indulges in the practice.

The Baltimore *Afro-American* admired Harding's courage, but expressed its disappointment at his support of the principle denying the Negro social equality. The execution of that principle meant simply intermarriage laws, segregation on railways, street cars, no political offices, and universal discrimination.

Dr. DuBois, Dr. Kelly Miller, Dr. J. E. Mooreland, members of the colored intellectual group, felt that the President's reference to social equality was untimely. Since it had been mentioned, they expressed themselves as believing that no barrier should be set up by any nation or any person which interfered with the policy of social selection between individuals. Dr. DuBois in his paper, *The Crisis*, expressed himself regarding the President's address as follows:

"Mr. Harding meant that the American Negro must acknowledge that it was a wrong and a disgrace for Booker T. Washington to dine with President Roosevelt!

"The answer to this inconceivable dangerous and undemocratic demand must come with the unanimous ring of 12 million voices, enforced by the voice of every American who believes in Humanity." [1]

Dr. DuBois is representative of a group of liberal Negro thinkers. This group resists segregation. It claims that the development of the Negro along separate racial lines, as a racial unit, divided from the white man by insurmountable bars, is simply a way of denying the Negro equal rights. It is a means of keeping him subordinate and of holding him apart from civilization by segregation in dwelling place, society, education, public life. This group of thinkers is struggling for the advance of the colored race along the same lines as that of the white race. Its members wish the Negro to demand the privileges of American citizenship—political equality, civil rights, free access to all public institutions. In industry, he should work beside his white brother, with an equal opportunity for promotion and the same wages for the same work. The successful colored business man should be able to hire white or colored labor as he desired. The white man should hire them indiscriminately according to their abilities. In the professions the Negro should minister not to his own race alone but to either race as his services were demanded. Negro doctor, lawyer, teacher should practice among white men as well as Negroes. The Negro should be proud of his race and

[1] *Literary Digest*, November 19, 1921.

develop his race consciousness, but this development should take place unhindered by the color line. The Negro should ever seek "the freedom of life and limb, the freedom to work and think, the freedom to love and aspire." The Negro should repudiate segregation, should denounce any and all attempts to place him as a race inferior and apart. Holding such views it is not strange that Dr. DuBois and his supporters looked with disfavor on President Harding's address, favoring as it did complete social and racial separation.

The more conservative school of Negro thought was glad to hear Harding speak as he did. This school was supported by Booker T. Washington during his lifetime and since his death has been led by Dr. Robert R. Moton, head of Tuskegee Institute for the Negro. The conservative school does not seek social equality. Members of this group believe in accepting what the white man is willing to give and in trying to ameliorate the worst conditions suffered by the race rather than attempting to attain a now impossible ideal. The more extreme idealists think these more practical workers are selling their birthright for a mess of pottage. They fear that the very acquiescence of the conservatives in the restrictions imposed by the white man is a virtual acknowledgement of the Negro's inferiority. The conservative school steadily adheres to its beliefs despite the criticism of the extremists. It accepts the doctrine of segregation and many of the white man's principles. The Negro should grow industrially first. He should build up institutions of his own. Negro capitalists should organize their own businesses, employ colored help, and cater to the needs of their own race. They should have their own banks, stores, restaurants, hotels, and places of amusement. Their children should be brought up in a colored world, treated by colored doctors, taught by colored teachers, preached to by colored ministers, catered to by colored industries. When the colored man worked for the white man, he should work in colored units and should refuse to strike with white workers, unless the strike furthered the interests of the Negro race.[2]

Mr. Washington, in particular, urged the Negro to give up, for the present, his struggle for political equality. He believed the Negro too weak industrially to succeed or advance until he had learned the lesson of hard work and had accumulated capital of his own to support his own business and philanthropic ventures. Mr. Washington worked out this ideal in Tuskegee Institute, where hundreds of well equipped young colored men and

[2] Ovington, M. W., "Half a Man," pp. 184-187.

women graduate yearly. The graduates of this school are trained in practical industrial pursuits. They go out prepared to earn a livelihood. Employers speak highly of them. It has been said that no graduate has ever committed a crime. They have a high reputation and standing among their own race; and their work is appreciated by the white race. Opponents of the conservative school argue that this type of education is all very well, but it presupposes the Negro as particularly adapted to industrial rather than intellectual pursuits. They believe too much emphasis is put on the side of practical education, too little on an intellectual development leading up to the practical.

Booker T. Washington and his school have ever denied any desire on the part of Negroes to aspire to social equality with the white. Mr. Washington expressed himself very aptly on this point, when he said: "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress." Yet he tempered his remark by saying that progress in the enjoyment of all the privileges would come only as the result of constant struggle. No amount of artificial forcing would bring the desired result. Only as the race became an important economic factor, playing its part in the world, would ostracism gradually die away. He hoped, then, that the Negro race by proving its value to the world, would create respect and appreciation, that these two factors would earn the justice so ardently desired, and that no resort to other means would be necessary.

The conservative school of Booker T. Washington and the liberal school of Dr. DuBois set about obtaining the same ends in different ways. Mr. Washington used a quiet, persistent method. He took what he could obtain. He refused to be disheartened because he saw no prospect of securing immediate equality for his people. He was satisfied to move forward slowly. He depended on the education and industry of his race to earn the rights withheld. Dr. DuBois is dissatisfied with this slow progress. He wants to see the Negro in full possession of the political and civil rights insured him by the Constitution. He wishes to see democracy in both spirit and practice. He takes the Fifteenth Amendment and translates it literally as meaning the right of the colored race to vote. He regards any abridgement of that right as a subterfuge. He does not believe that any law can or should limit the social intercourse of the two races. Though he declares himself against intermarriage, he is not against the amalgamation of the two races because of physical

reasons. His objections are based on the social conditions existent in the United States to-day. He holds that this is a question which only the individuals concerned can decide. They have the "moral and legal right" to follow their own inclinations. Dr. DuBois is proud of the Negro race, anxious to see it develop unrestricted by the color line. He refuses to acknowledge white superiority. He is himself a brilliant man. At Harvard he won scholastic honors. He has all the ambition and fine feelings of the best members of either race. It is not strange that he is impatient of delay, that he puts his own feelings into the souls of all his darker brothers. He lacks the supreme patience, possibly the farsightedness of Mr. Washington. In his pride, he refuses favors, he asks for rights.

The White South

The conservative Negro welcomed the President's speech as foreshadowing better times for the colored race. The liberal Negro took offense at his reference to social equality. He looked deep and saw that all kinds of equality are closely related. Equal rights can never exist if any portion of this broad term is eliminated or abridged. Conservative southerners took a position opposed to that of conservative Negroes. Like the liberal Negroes they objected to Harding's ideas, though they based their objections on different grounds. They at once saw a possible danger, not to the rights of Negroes, but to the supremacy of whites. They felt the speech to be an encouragement to the Negro. It might arouse hope for political enfranchisement and rights which most southerners had no intention of granting him. The Negro would become more discontented than ever. New race troubles would be the outcome of any attempt on his part to obtain the equality which President Harding proclaimed as rightfully his. Political and economic equality encroach on the realm of social equality. It is almost impossible to grant one without the other. Such a Utopia in which the races dwell in peace, each receiving equal reward for equal achievement, each possessing the same opportunity to advance yet each a race apart, preserving a rigid racial separateness, is an idle dream in the eyes of these conservatives. Careful thought shows it to be impossible of execution. How could a minority group like the Negroes of the United States ever achieve full economic and political equality if compelled to develop along strictly racial lines? The Negro group would ever be subordinate, dwelling under a white government with few po-

litical representatives. If the Negro was represented by men of his color, he would have places in the highest governmental positions of the land. Would that not entail social equality? The Negro, to achieve full economic opportunity, could not be limited to industries developed within the racial group, run wholly by Negroes, for the needs of the colored alone. If he mingled with the whites on a basis of real economic equality, might not the Negro of intellect often hire as laborer a white inferior? Would it not be difficult in such circumstances for the white to maintain his social superiority? Such a development would not bring true economic or political equality to the Negro. If racial and social bars are ever to be maintained in America, the Negro can only find real equality in a land of his own, governed by and for his own race.

The conservative white south does not support what it conceives as pretended equality. It frankly believes that equality on any terms is impossible. It sees a chance of economic betterment in the granting of that ambiguous ideal, "equal pay for equal work," and in the abolition of peonage. But the idea of real economic equality, the white laboring man working for a superior Negro, is abhorrent. President Harding did not carry out his idea of economic and political equality to its ultimate conclusion which presupposes social equality. The conservative white south voices the idea that the Negro is an inferior race; as such he must be kept in subjection. The chains of this subjection should be as light as possible as the Negro advances in education and develops in the ways of civilization. But never should he be regarded as an equal in any way. Economically, politically, socially, he must always remain subject to white control. Only in this way can the races live side by side and remain at peace. Certain economic and political concessions can be made the Negro. Particularly in the economic field, as long as he is content to remain a laborer, he should receive a measure of equal treatment. The element of the white south having these views forgets the mulatto group, the growing spirit of race consciousness, the ever increasing demands of the Negro himself.

The more liberal element in the south praised President Harding's speech, but it did so only on the premise that he intended to preserve white supremacy. The liberals saw the impossibilities of real Negro equality in his denunciation of any social equality or of racial amalgamation. Thus they could afford praise, feeling that no real danger could result from the President's stand.

Inter-racial Commission

The liberals of the south are gradually awakening to the fact that a new Negro is evolving from the old subservient slave. This new man is uniting his race and creating a strong Negro public opinion. The extremists of this Negro group are ignored by the south which admits no possibility of complete Negro equality. The conservative Negro, who is content to develop the Negro race as a distinct group within the color line, willing to work for and serve the white race, is encouraged. The liberal white south is willing to coöperate with him. Though no mention is made of any kind of equality, the program of these two groups proposes to alleviate many of the injustices suffered by the Negro. Their first step was to establish, in November, 1918, a commission on inter-racial coöperation, representative of both whites and Negroes. The commission set to work to organize small committees of leading white and colored men in all local communities. It was proposed that these committees hold regular conferences to determine on and carry out plans for improving race relations. This idea has been successful in most of the southern states. While many counties have not yet responded, the movement is growing and may be expected eventually to spread throughout the south. Frequent conferences between the two races have made for a better understanding. The conservative program, varying to suit the needs of the different communities, does not arouse white opposition.

This program in general calls for:

1. Justice in the courts; opposition to lynching under any circumstances.
2. Economic justice.
3. Adequate educational facilities.
4. Improved living and sanitary conditions.
5. Recreational advantages.
6. Better traveling accommodations.

No attempt has been made to force association between colored and white groups. No mention is made of doing away with segregation, either in living quarters, on trains, or street cars. No word is said about political equality; and of course social equality finds no place on the program. The general trend of the proposed remedies is the improvement of conditions surrounding the colored race within the color line.

The commission is working quietly and steadily to accomplish

its aims. It is educating and arousing public sentiment by addresses before religious gatherings; by appeals to professional and business men; by enlisting the sympathies of schools, colleges, universities, welfare organizations, and the press. So far it has attained results despite opposition from ultra-conservative groups. Already its efforts are taking concrete form in the shape of improvements to streets and sewerage systems in Negro quarters and in adequate police surveillance for Negro residential sections. In some of the larger cities, parks and playgrounds have been provided for Negro children with paid attendants to supervise their play. Visiting nurses have been appointed in some places to visit schools and homes and promote health and sanitation. The commission has succeeded in securing improved educational facilities for Negroes—better schools, higher salaries for colored teachers, and increased appropriations for Negro education. Railway officials have been importuned for better traveling accommodations for the Negro race, sometimes with marked results. In many cases, imminent lynchings have been prevented by quick action on the part of the commission to rally the forces of law and bring order out of chaos.

Negro women and white women have also coöperated in a women's continuation committee. They have tried to bring about a better understanding between the female members of the races. Questions regarding domestic service, child welfare, sanitation, and housing have been discussed and remedial measures taken. Perhaps the most important phase of the whole work rests on the spirit of coöperation and fair play displayed by both races. This spirit may do much to improve conditions for the Negro and to solve the race question by true brotherhood, human kindness, and understanding.

Pan-African Conferences and Congresses

A broader phase of the Negro movement to secure greater rights and opportunities for the race is seen in the Pan-African conferences and congresses. These meetings are held to bring together representatives of the race from all parts of the world and to build up a spirit of unity and independence among the Negro peoples.

The first conference met in London in 1900 to discuss the problems of the colored race. The question was laid down as one concerning the color line. How far should the differences of race, which are manifested chiefly in color of the skin and texture of the

hair, be allowed to deny to over half the world its right to share in the privileges and opportunities of modern civilization? The second conference was held at Tuskegee Institute about 1912.

The first Pan-African Congress was called in Paris, in February, 1919. The interest manifested by colored people was world-wide. Delegates were elected from the West Indies, South and West Africa, the United States, and elsewhere. Some were prevented from attending, but over fifty-seven representatives of fifteen countries, where 85,000,000 Negroes or mulattoes dwell, attended. A memorandum was adopted and presented to the League of Nations. This memorandum called attention to the universal exploitation of Africa and its natives by civilized white countries. It pointed out that the greed for gain and for the rich resources in Africa precipitated the war. Thus the cause of Africa must be considered by the League, if war was to really cease for all time. No action was taken on this memorandum.

Meetings of the second congress were held in London, Brussels, and Paris in the late summer of 1921, and a set of resolutions adopted:

"1. The recognition of civilized men as civilized despite their race or color.
"2. Local self-government for backward groups, deliberately rising as experience and knowledge grow to complete self-government under the limitations of a self-governed world.
"3. Education in self-knowledge, in scientific truth and in industrial technique, undivorced from the art of beauty.
"4. Freedom in their own religion and social customs, and with the right to be different and non-conformist.
"5. Coöperation with the rest of the world in government, industry and art on the basis of Justice, Freedom and Peace.
"6. The ancient common ownership of the land and its natural fruits and defense against the unrestrained greed of invested capital.
"7. The establishment under the League of Nations of an international institution for the study of Negro problems.
"8. The establishment of an international section in the Labor Bureau of the League of Nations charged with the protection of native labor." [3]

The purpose of the congress was described by Dr. DuBois as "equality of men and races." The means of obtaining such equality, to be secured through "education, opportunity and conference."

[3] "Negro Year Book," p. 63.

More Radical Negro Elements

There is a minority element of the Negro race who would not agree with Dr. DuBois that equality can be secured by these measures alone. They are represented by such magazines as the *Challenge*, the *Promoter*, the *Crusader*, the *Messenger*. The *Messenger* stands for the establishment of a socialist state. It believes that only through a change in the economic system and forms of government can the Negro attain his goal. It upholds the labor union, whether industrial or trade, feeling that a knowledge of collective bargaining is more important to the colored man to-day than a differentiation in the kinds of unions. It believes in civil liberties and civil rights for the Negro, including social equality and intermarriage.[4]

Proposed African State

The *Challenge*, *Promoter*, and *Crusader* are not definitely socialist. They support in general the idea of the establishment of an independent Negro state in Africa or elsewhere, run by Negroes and for Negroes and developed along the line best suited to their progress.[5] In other words they favor the nationalistic idea of Marcus Garvey with some modifications. But they are not, like the *Negro World*, official organs spreading propaganda for the Garvey movement. Marcus Garvey, as leader of the Universal Negro Improvement Association and African Communities League of the World, planned to set up a colored world republic in Africa to which Negro people from all parts of the world should migrate. The project had nothing in common with the Pan-African Congress fostered by Dr. DuBois. Indeed it met with little approval from the great mass of Negroes in the United States. Its following came largely from New York City from a group of West Indian Negroes, countrymen of Garvey. The league drew up a "Declaration of Independence of the Negro Race" which expressed many of the ideas of advanced Negroes. This declaration proclaimed that all things are "created and given to man as a common possession." As a race, the Negro had been deprived of what was rightfully his, and he was justified in pursuing any means possible to obtain and keep his rights. He demanded recognition and equal rights in the League of Nations, equal treatment in political, educational, industrial, and religious fields. A

[4] Detweiler, Frederick, "The Negro Press in the United States," pp. 165-171.
[5] *Ibid.*, pp. 165-166.

Negro was forbidden to engage himself in battle for an alien race without the consent of the Negro leader, unless it was a war for national defense. War for freedom or protection of just rights was declared justifiable.[6]

Conclusion

The Negro grows restive within the color line. He is pushing outward, bending the barrier, securing an ever wider, better corner in the world. He is seeking help from his white brother. Sometimes he receives it, but usually behind the helping hand is the thought of radical racial differences and the feeling of superiority. Some of his race do not desire help. They stand alone in sullen pride. They are making for themselves a Negro brotherhood. They hope to make it strong, powerful, united. The growing feeling of race is upon them. It has been forced into being by the treatment of the white world. The Negro of yesterday, servile, amiable, docile, is becoming a being of the past. The Negro of to-day, educated, independent, mindful of his rights, is a different man. His numbers may not be great, but he is the advance guard of the future. He constitutes a perpetual challenge to our ideals of democracy, an unsolved problem that seemingly has no solution mutually satisfactory to both races.

[6] *World's Work*, January, 1921.

XII

THE WHYS OF THE WOMAN MOVEMENT

What does the feminist movement mean? The color line, race barriers, intellectual and economic differences, are understandable. But why should members of one sex subordinate members of the other when as mates they are obviously more essential to each other, more fitted for companionship as equals than are persons bound by any other human tie?

Nature has decreed that on one sex the principal part in creation should fall. Nature has not decreed that because one sex is handicapped to a certain extent, because it sometimes has less physical strength, society should add to its burden, should make life more difficult rather than easier. Instead of gratitude for the sacrifice the woman makes, for the lives she gives the world, the world has taken advantage of her sacrifice and has added to nature's demands, sex discriminations and barriers.

In taking this action society as a body has followed the usual course of conduct of its individual members. Humanity has not progressed beyond the state in which the average man will not seize upon any intellectual, physical, economic, or social handicap suffered by another to advance his own interests. Even the restrictions imposed by custom and tradition give one class of persons the advantage over another. The words "self-sacrifice," "unselfishness," "brotherly love" remain but words to the ordinary person. It is only the exceptional individual who actually puts them into practice. Freedom and equality are ideals possible of a wide measure of attainment to but one portion of the population, white male citizens. To females they are as yet a distant goal. It has been said that the historical man movement is a movement to do away with the divine right of kings. The woman movement has as its object the obliteration of the divine right of men to rule over women.

For centuries, as civilization has progressed and declined, the status of woman has changed. Some few civilizations have brought her greater freedom. Some have meant additional sex

limitations. Her position has varied with social customs, economic conditions, religious beliefs, and degrees of civilization, but her practical status throughout has been that of an inferior. The hypothesis that woman is intellectually inferior to man is highly questionable. Psychological tests indicate no great differences between the ability of the sexes. If anything the female surpasses the male in these tests. School records in the United States show that the boy is more apt to be retarded than the girl and that the girl more frequently finishes secondary school than the boy. While there may be many reasons for this, the intellectual inferiority of the female is scarcely one.

Probably the rather prevalent belief in man's superiority which gives the male an exalted idea of his own ability and sometimes causes an inferiority complex in the female, is due to the more spectacular achievement of man. In science, art, literature, business, the professions, politics, government, men have excelled. These are the only exploits recounted in the ordinary history textbook. The social contributions of women, the hardships, sufferings, sacrifices, and labor that have often made the achievements of the men possible are passed over. History emphasizes the political and economic sides of life and so becomes to all intents and purposes the story of one sex only. It is not strange that the child acquires the impression that males alone have been responsible for human progress.

Any comparison of the public achievements of men and women, based on their ability to achieve, is impossible. Only within recent years have women been able to obtain an education comparable with that of men. Only recently have sex restrictions been lightened to permit women to enjoy a measure of worldly success. Even to-day they suffer from artificial handicaps and their advance is retarded by barriers and prejudices unknown to man. Given a man and woman of equal ability, the former will go farther simply because he meets with none of the "hazards" placed in the path of the latter. The question of woman's inferiority resolves itself into a vicious circle. Woman does not achieve as greatly as man because social custom and tradition have handicapped her and lessened her opportunities. In the past they rendered her chances to contribute to the political, economic, and professional life of the country practically nil. Conditions for the modern woman are improved, but as long as sex determines the type of work, the position in life, the "sphere" of the woman, she cannot make the spectacular progress of the man. When she does not she is tacitly considered inferior.

Social Cycles

The idea of woman's inferiority also grows out of the very subordinate position she has occupied in most of the cycles through which society has passed. In general there are two definite social stages with indubitable proof of existence, mother-right and patriarchy. A third, matriarchy, is hypothetical. The fourth, partnership, is idealistic. Society in the twentieth century shows indications of adopting this ideal as proof of a higher civilization.

Mother Right and Matriarchy. Mother right is in existence to-day among the primitive tribes in Africa, the Indians of North and South America, and the Oceanic and Negro peoples. Signs of it are found in more civilized groups which have passed or are passing into their second stage of development, patriarchy. Its traces are so widespread among the races of man that quite probably it was at one time well-nigh universal.

Mother right differs considerably from matriarchy. The one exists to-day among savage peoples, the other has no definite proof of being. It was perhaps a false deduction, based on the faint marks of the system of mother right discovered in the beginnings of civilized peoples.

Mother right is rule through the mother, dependent on her. Matriarchy is rule by the mother and is pictured as the golden age of woman in which she is supreme. Under a matriarchal system, women were the dominant figures in the social group. The family was traced through them. Property was inherited by the female. Her importance as an economic factor was great. The main difference between matriarchy and mother right, aside from the hazy existence of the one and the very real existence of the other, was the authority of the woman. Matriarchy showed the mother as actual ruler. Mother right pictured her only as the pivotal factor in the family group; all control was vested in a male. The head of the maternal family was the brother. While inheritance of property and family name was traced through the mother, the actual domination of the family and the administration of the property was in the hands of the brother. He assumed control. He was the natural guardian and exercised all the rights and duties adhering to that status. The father had a relatively unimportant rôle in the family group. Should divorce occur between the parents, the children usually remained with the mother. Under mother right there were some instances of women sharing in the management of tribal affairs. Occasion-

ally they chose their husbands, and husbands were expected to obey wives. But on the whole women were the drudges, doing the laborious work at home, while the men fought and hunted.

Patriarchy. Mother right appears to precede father right. We do not know how the one merges into the other. Patriarchy seems to be accompanied by a recognition of man's part in creation and by a development of those forms of marriage which involve the appropriation of the woman by the man. Under mother right the mother's function in the birth of the child was all important. The father sometimes was not cognizant of the part he played. When he recognized that he was a definite factor in the creation of humanity, he wished to possess his children. He began to assert his rights in the family. Sometimes he took his wife to his parental home or to a home of his own. Marriage by capture or purchase greatly aided the growth of father right. Physical possession of the woman counteracted any traditional claim her family might have to her and her children. In this way mother right merged into father right.

Under a patriarchal system inheritance was traced through the male line. The wife was absorbed in the family of the husband. The father was completely dominant. He was head of the family, guardian and protector of the children to whom he had prior right in case of divorce. The woman's position, that of a subordinate under mother right, was virtually that of a slave in the extreme stages of father right. The husband was supreme. Often he had power of life and death over his wife and might divorce, chastise, and confine her at will. She had little or no protection from his acts and was forced to accept without protest his acquisition of several wives or concubines.

It may be said that under most of the savage or semi-civilized conditions of society women were regarded as inferiors. Even their persons were at the disposal of some male relative. A far greater freedom and authority were permitted the majority of men in matters of morality, marriage, divorce, and custody of children. A wide permission of plural marriage for the man was granted even among the so-called civilized races. Polygamy was extended with the growth and wealth of nations. It flourished among the Mormons in our own United States a short fifty years ago. It is still in existence to-day even among some of the civilized peoples of Europe. A similar plurality of husbands was granted the woman but sparingly. Ordinarily it was adopted as an institution by only the most barbarous people. In the early stages of society the mother was the central though not the domi-

nant figure in the family group. A later civilization showed mother right ceding to father right. Control of wife and children by husband and father became practically absolute. It was with this patriarchal family that most civilized races started their history.

Civilization. Throughout the East, with perhaps the exception of Egypt, women were subject to father right in its most virulent form. They were controlled by the usual three obediences found among early peoples—the obedience of father which passed to husband on marriage and to son or nearest male relative on husband's death. They were kept in seclusion, could be chastised and even killed by their masters. They were compelled to accept the practice of polygamy. They might be divorced for little or no cause but could not divorce in return. They had small share in determining their children's destinies and were looked upon as inferior beings to be shielded from life and deprived of liberty.

Turning to the West, the early Greeks allowed women a certain measure of freedom. Their position was not as low as it was in the East. They were however wholly subordinate to men and concubinage was legalized. In the early days of Rome women were under the strictest form of the patriarchal system, but they had some advantages over their eastern sisters. Monogamy was universal and the grounds on which a man could divorce his wife were strict. Apart from these regulations, a Roman matron and her children were absolutely at the mercy of the head of the family. The girl had no voice in choosing her husband and apparently a woman had no power of freeing herself from her husband. In the later days of Rome women were given greater liberties. The wife was partially freed from subjection to the husband. Under new forms of marriage she no longer became his property but remained under the control of her father or guardian. This control was only nominal. The married woman, usually separated from her relatives, acquired the regulation of her property and was to a certain extent her own mistress. Practically independent of her father, she was legally independent of her husband. She could bring action in court and had full property rights. But the Roman's idea of the ideal feminine virtues shows how narrow the woman's freedom actually was. These virtues comprised chastity, obedience, proficiency in household labor, carefulness, loyalty, modesty, rectitude, fertility.

Roman culture was overrun by the German hordes who brought with them the more primitive idea of marriage. The power of

the husband was strongly developed. He might expose his infant children, chastise his wife, dispose of her person. He was her judge. In case of unfaithfulness he could put her to death. He acquired his wives by purchase. Polygamy was permitted and prevailed among the chiefs. The wife was subject to the three obediences, father, husband, son.

Christianity. Though the conquered Romans were forced to accept the German practices, these were gradually changed by contact with Roman civilization, civil code, and Christianity. The status of the unmarried woman responded more quickly to such influences than did that of the married woman. Christianity taught humanity, sought to abolish the life and death authority of the husband over wife and children, discountenanced divorce and polygamy, required the mutual consent of both parties to a marriage, and held the immoral man to be as evil as the immoral woman. In this way it did much to better the condition of women. On the other hand it retarded their progress for centuries by teaching the propriety of woman's subjection to man.

Christ himself never defined woman's place. He referred to women only with respect. Some of his followers however laid out a certain course of conduct for women which hindered their best chances for development. Peter admonished women, "Ye wives be in subjection to your own husbands; . . . even as Sarah obeyed Abraham, calling him Lord." Paul exhorted aged women to teach young women, "To be discreet, chaste, keepers at home, good, obedient to their own husbands." According to him, man was the image and glory of God, but woman was the glory of man for man was not of woman but woman of man, neither was man created for woman but woman for man.

Attitude of Later Centuries. These doctrines and the story of the Old Testament in which woman is pictured as the source of all evil conflicted with the irresistible feeling which man has for woman. This feeling is dictated by nature and triumphant over all laws. Outwardly men accepted the teachings, inwardly they revolted. The result was the development of a two-fold conception of womankind. On the one hand woman was subject to man, made for his pleasure. She was the cause of much of the evil in the world and alliance with her was a worldly institution to be avoided by God's chosen leaders. On the other hand woman was the embodiment of beauty, fragility, and virtue. These opposing attitudes can be traced through the sixteenth, seventeenth, eighteenth, and nineteenth centuries and can be read in the writings of the great men of that period.

Martin Luther, leader of the Protestant movement, said:

"The woman's will, as God says, shall be subject to the man, and he shall be her master; that is, the woman shall not live according to her free will . . . and must neither begin nor complete anything without the man; where he is, there must she be, and bend before him as before her master, whom she shall fear, and to whom she shall be subject and obedient."

Milton, the great English poet, said:

"Whence true authority in men: though both
Not equal, as their sex not equal seemed;
For contemplation he and valour formed,
For softness she and sweet attractive grace;
He for God only, she for God in him.
. . . . . .
To whom thus Eve with perfect beauty adorned:—
'My author and disposer, what thou bidd'st
Unargued I obey. So God ordains:
God is thy law, thou mine: to know no more
Is woman's happiest knowledge, and her praise.'"

Rousseau, the French philosopher, said:

"The education of the women should always be relative to the men. To please, to be useful to us, to make us love and esteem them, to educate us when young, to take care of us when grown up, to advise, to console us, to render our lives easy and agreeable: these are the duties of women at all times and what they should be taught in their infancy."

The Old English Common Law. The old English common law ably supported these doctrines and compelled a reluctant or rebellious woman to obedience. Marriage was based on the idea that husband and wife were one person and that person the husband. The wife's personality was entirely submerged in his. She was under his cover or protection and had no legal personality of her own. As man and woman were regarded as one and the same person, neither could covenant with or make grants to the other. From this idea of "oneness" developed many of the rights, duties, and disabilities of the respective parties to a union. The husband was held responsible for his wife's necessaries and for any debts she might incur for them. A wife, injured in her person or property, could bring no suit for redress without her husband's

consent and in his name. If sued the husband must be her defendant. This held true of civil prosecutions only. For criminal offenses, the wife might be indicted and punished separately. The husband was permitted to give his wife moderate correction such as he might administer to his apprentices or children. By the language of the law, husband and wife were styled Baron and femme. If the Baron killed his femme he was subject to a penalty for murder. If a femme killed her Baron, it was regarded as an unthinkable atrocity far worse than ordinary murder. She was guilty not only of murder but of treason to her lord and was condemned to be drawn and burnt alive, the sentence of a female who killed a king. All women, no matter how learned, were denied benefit of the clergy. They might be sentenced to death or executed for the first offense in larceny, bigamy, manslaughter, etc., because their sex precluded their taking holy orders. A man who could read was presumed to belong to the clergy. For the same offenses he was merely condemned to a brand in the hand and imprisonment for a few months. If a man died intestate, his personal property was divided equally among his children. His real property went to his son, though he might be younger than any of the daughters. A woman's personal property became her husband's on marriage. He might even will it away at his death. He was likewise master of his wife's lands.

This legal conception of woman, together with the position assigned her by the church, by custom and tradition, by education and ideals, bound her in shackles hard to break. The average woman, raised in ignorance, accepted her fate with little question. Both her physical and mental development were stunted. She never attained the knowledge necessary to a well-rounded existence. Many of life's greatest experiences were denied her. She lived in a dream world, secluded from hardship if wealthy, forced to servitude if poor, and in either case entirely dependent on the goodwill and affection of another person.

Women in the United States

Colonial Women. The concept of woman's position, the customs and traditions of the old world concerning her "place," the old English common law with certain changes and reforms which had been instigated in England from time to time were introduced into the new world by the colonists. Colonial women married young, often at an age which would seem to the twentieth century mere childhood. Large families, hard work, and sex restric-

tions combined to keep them in "woman's place." Their sphere was narrowly limited and woe to the woman who ventured from it. In 1638 Anne Hutchinson was tried, convicted of sedition and heresy, and banished from the colony because she instructed the women of the neighborhood in religious precepts according to her own interpretation. Two offenses were encompassed in her act. She had presumed to question the teachings of the men in authority and to advance new ideas concerning religion. She had disobeyed the instruction of St. Paul who said: "But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence."

President Eliot has described the life of the colonial dames and his picture is not enviable. "Generations of them cooked, carried water, washed and made clothes, bore children in lonely peril, and tried to bring them up safely through all sorts of physical exposure without medical or surgical help, lived themselves in terror of savages, in terror of the wilderness, and under the burden of a sad and cruel creed, and sank at last into nameless graves, without any vision of the grateful days when millions of their descendants should rise up and call them blessed."

Just how many "millions of their descendants" possess such gratitude to-day is questionable. We hear much of the colonial fathers but of the colonial mothers—. The same general attitude concerning the stern duty of women, the necessity of their sacrifice for the sake of husband, of children, and of home is still in evidence. Mankind has not yet faced the inevitable that children, home, wife, and husband demand equal sacrifices of both sexes. One sex cannot decline to halve the burden with the other. Neither sex is justified in choosing the path which suits its selfish interest. Neither has a right to impose a certain kind of existence on the other.

Women were active in the struggle for independence. Their spirit was as dauntless as the men's. Inspired by the great ideal of liberty, they were not entirely unmindful of the incongruity of their own position. Abigail Adams writing her husband, March, 1776, when he was sitting with the Continental Congress, said: "I long to hear you have declared an independency, and, by the way, in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more favorable to them than your ancestors. Do not put such unlimited power into the hands of husbands. Remember all men would be tyrants if they could. If particular care and attention are not paid to the ladies, we are determined to foment a rebellion

and will not hold ourselves bound to obey any laws in which we have no voice or representation."

This plea went unheeded. The Declaration of Independence was for men only. No attempt was made to include the women whose need was so pressing. The war for independence in which women bore the necessary but inconspicuous part played by women in all wars brought them no freedom. The Constitution, the first stable instrument of government for the new nation, contained no clause drawing women into the vital life of the nation or changing their status to make the new government a democracy of all the people.

Women in the New Nation. The legal and political status of women in the new democracy was more completely subordinate to men than that of men had ever been to the crown in the colonial days of British control. But the nineteenth century was at hand. It was destined to see the greatest social movement of the ages. This movement was born from the agitation of a few exceptional women. It gained impetus until it became a vast progressive march of a sex hitherto stunted and oppressed.

The early pioneers of the movement blazed a trail of progress against almost overwhelming odds. Mary Wollstonecraft in England pleaded for greater opportunities for women. Frances Wright, a young Scotchwoman, lectured in the United States on woman's rights and other social questions in the face of ridicule and criticism. The Grimke sisters of South Carolina and Abby Kelly labored for anti-slavery and incidentally compelled the acknowledgement of the right of women to speak from public platforms. Opposition to any change in the condition of women was so strong that only the bravest dared raise the issue in their own defense. Women found movements against slavery, temperance, and other evils more acceptable to more people than any struggle in their own behalf. It is not strange that many liberal women began their reform activities as emancipationists or abolitionists. When their attempts brought them hard against the solid sex barrier of disapproval at woman's public participation in any cause, they gained the necessary spirit of revolt and courage to fight for themselves and other women.

Declaration of Sentiments. When women interested in the Negro cause sought an equal position with men in the American Anti-Slavery Society that supposedly liberal body pledged to secure freedom for the Negro was horrified at the idea of equality for females in even such a venture as this. The party divided on the issue. One faction opposed the women. The other, led

by William Lloyd Garrison, was willing to give them what they asked. Later when a world's anti-slavery convention was held in London, women delegates from the United States were refused seats because of their sex by a majority vote of the men.

This so incensed Lucretia Mott, a delegate, and Elizabeth Cady Stanton, wife of one of the delegates, that they determined on their return to the United States to use every effort to promote the cause of women. In 1848 they joined with Martha C. Wright and Ann McClintock to call the first woman's rights convention at Seneca Falls, New York. The press reflected the attitude of the times. Hostile to any move for woman's rights, it treated the convention with ridicule and abuse. It was at this meeting that the Women's Declaration of Independence was read. Following the pattern of the original Declaration of Independence, it declared all men and women created equal and endowed with certain inalienable rights—"life, liberty, the pursuit of happiness." It asserted that government existed for the purpose of securing such rights to the people. When it failed to fulfill its purpose those who suffered from its actions had a right to refuse allegiance to it and institute a new government. It stated that history was replete with a story of injuries and usurpations on the part of man toward woman:

1. He had denied her the elective franchise.
2. He had compelled her to submit to laws in the formation of which she had had no voice.
3. He had withheld from her rights granted the most ignorant and degraded man.
4. He had oppressed her on every hand. If married she was in the eyes of the common law civilly dead. She had no property rights, nor could she even control her own wages. Morally she was irresponsible, could commit crimes with impunity if done in the presence of her husband. By the marriage covenant she must promise obedience to her husband, who became her master, the law giving him power to deprive her of her liberty and to administer chastisement. Divorce laws were entirely partial to the man who was in any case legal guardian of the children.
5. Though deprived of all property rights if married, if single and the owner of property she was taxed without representation.
6. She was permitted to enter few employments, and those which were not monopolized by men paid scant remuneration to women.
7. She was denied the facilities of obtaining a thorough education, practically all colleges being closed to her.

8. In church, as in state, she was assigned a subordinate position, was excluded from the ministry and ordinarily from public participation in affairs of the church.
9. Man had set up a double standard of morals by which moral offenses which excluded women from society were condoned or held to be of small moment if committed by himself.
10. He had assumed the powers of God Almighty, presuming to assign a certain sphere of activities to woman.
11. He had tried to destroy her self-confidence, her self-respect, and had attempted to render her abject and dependent.

Because of these wrongs and injustices women now demanded immediate admission to all the rights and privileges which belonged to them as citizens of the United States.

This convention was followed by many others. The union of women in groups for the furtherance of their own cause was a milestone in the woman movement. It multiplied the reforms in the legal status of women which the separate states had occasionally made previous to this time.

In 1809 Connecticut had given married women the right to make a will and three other states had followed suit by 1843. The school suffrage was granted by Kentucky in 1838 to women with children. This was the first voting power given any women in the United States since 1807 when the legislators of New Jersey rescinded the woman's right to vote in that state. This right had been granted women two days before the Declaration of Independence and had been confirmed later by legislative enactment.

In 1839 Mississippi had given married women certain property rights and in the next decade, stimulated by the increasing activities of advanced women, Texas, Indiana, Pennsylvania, New York, California, and Wisconsin followed suit.

Women in the Temperance Movement. During this time women had continued their agitation for temperance and anti-slavery. They had fought their way to a recognized position in the anti-slavery movement, but in the temperance movement they met the unbending conservatism of the ministry. Their right to aid publicly in such a cause was questioned. Women delegates to temperance meetings were ridiculed, insulted, and refused the right to speak.

Susan B. Anthony, a prominent leader in suffrage and other social movements of the day, was denied the right to sit on the business committee of a meeting called to arrange for a world's temperance convention. For this reason the women delegates and several liberal men withdrew. Following their withdrawal,

condemnation was expressed of all public action of women. One clergyman proclaimed his satisfaction that the gathering was "now rid of the scum."

The same attitude was shown toward the woman suffrage conventions which were now annual occurrences. The convention of 1853 was termed a mob convention. A mob was present at every meeting and made such a turmoil that the speaker's words were entirely lost to the audience. The hostile attitude can best be expressed in the words of the New York *Herald* of September 7, 1853:

> "The assemblage of rampant women which convened at the Tabernacle yesterday was an interesting phase in the comic history of the Nineteenth Century . . . a gathering of unsexed women, unsexed in mind, all of them publicly propounding the doctrine that they should be allowed to step out of their appropriate sphere to the neglect of those duties which both human and divine law have assigned to them. Is the world to be depopulated?"

Civil War Period. During the Civil War women were content to let their own cause rest. They devoted all their energies to winning the struggle which many northern women idealized throughout as a conflict for the emancipation of the slaves. They felt certain that at the close of the war, members of Congress, in granting freedom to the slaves and in bestowing on them equal rights, would not forget that larger, better prepared, and more intelligent group which included in its ranks their own wives, mothers, sisters, and sweethearts. The sanguine hopes of the women, fostered by the success which the decade preceding the war had brought and by the spirit of liberalism which seemed to pervade the period, were doomed to disappointment. Their staunchest male supporters, Wendell Phillips, Horace Greeley, Gerrit Smith, Henry Ward Beecher, William Lloyd Garrison, Charles Sumner and other prominent senators withdrew all active support or actually opposed the woman's cause on the plea that this was the "Negro's Hour." Even the Negroes whom the women had so zealously defended assumed a superior air. In many instances they adopted the attitude of the white men that the women's agitation was untimely and jeopardized the Negroes' cause. Suffragists were compelled to see the word, "male," written into the Constitution in the Fourteenth Amendment which provided a penalty for those states withholding the ballot from male citizens. They had to witness the omission of the word "sex" from the Fifteenth Amendment, which prohibited the abridgement

of the right to vote on account of "race, color or previous condition of servitude."

Agitation for Suffrage After Civil War Period. But disappointed, disillusioned, deceived, they remained undaunted. They claimed that as the Fourteenth Amendment declared all persons, born or naturalized in the United States, citizens, they were citizens and as such had the right to vote. Several prominent suffragists registered at the polls. Fourteen voted and were arrested. It was not until 1875 that a supreme court decision showed the women that citizenship did not confer the right to vote.

The results of women's efforts to secure the suffrage took concrete form when the states, albeit with reluctance and limitations, began to remove their absolute ban on women voting. In 1861 Kansas granted them permission to vote in school elections. Michigan and Minnesota followed suit in 1875. Other states conferred a limited suffrage in local elections. Complete suffrage was first granted by the territory of Wyoming. Later, when it became a state in 1890, the woman's right to vote was reaffirmed. By 1896 three other states took like action. One portion of the woman's party was working toward state action, the other toward federal action. In 1878 a woman suffrage amendment was introduced into Congress for the first time by Senator A. A. Sargent of California. This amendment was formulated by Susan B. Anthony, and it was destined to become the Nineteenth Amendment to the Constitution forty-two years later. From 1878 to 1896 there was a constant attempt made by the women to have their amendment accepted. In 1896 their efforts in this direction largely ceased. It was recognized that a strong public opinion and additions to the body of congressmen who owed their seats partly to a female constituency were necessary before success could be obtained.

From 1896 to 1910 no new states were won for suffrage. The liquor interests, fearful of women's known temperance beliefs, used all their money and influence to keep them from securing the vote. Often a victory which seemed certain, supported by public opinion and seemingly by the legislators, was turned to defeat at the last minute by this unseen force. Native-born American women were humiliated again and again when large bodies of recently naturalized foreigners or, in those states where naturalization was not required, citizens of alien countries became the pivotal factor which lost the vote for women. These men, with their foreign ideas concerning woman's place, were easily induced to vote against woman suffrage.

But in 1910 after fourteen years of disappointment for the women the brewers' interests were caught napping and a quietly conducted campaign was won in Washington. This victory started the suffrage movement on a new era and was followed by successes in California, Arizona, Kansas, Oregon, the territory of Alaska, Montana, Nebraska, Illinois, etc.

The congressional committee of the National Suffrage Association, which had recognized the futility of its attempts to have a federal amendment passed in the nineties, once again opened headquarters at Washington. In 1913 the first militant movement in the United States, also with a federal amendment as its objective, was started by Alice Paul. The great political parties, foreseeing the inevitable outcome of the struggle, began to insert suffrage planks in their party platforms. For several years, the amendment was brought up in Congress. In 1919 after the liquor interests had met a severe set back in the passage of the prohibition amendment, the woman suffrage amendment was passed. Its passage was supported by a president favorable to the reform and by the popular will at that time gratefully disposed toward women for the part they played in the World War.

Influence of Industrial Experiences. The war spirit of "democracy" was partly responsible for women's enfranchisement; the industrial demands of the war gave them new economic opportunities. Since colonial times, women had engaged in outside employment when necessity demanded and they could secure work. The choice of employments was usually limited to "woman's work"; but in the early nineteenth century, women workers were greatly in demand and formed the large body of employees in the early factories. Though their proportion in the group of workers industrially employed is less to-day than in the days of the first factories, their numbers have been greatly augmented. Since 1900 about one-fifth of the persons gainfully employed have been women. Experiences in the economic world, artificial sex handicaps, the contact with other women, the independence enjoyed, and the self-reliance gained have given strength to the woman movement and aided in bringing about changes in the status of women. During the World War, women hitherto sheltered in the home entered war work in all its branches. They too became imbued with a new spirit and a new sense of values.

Influence of Education. The changed attitude toward female education, a result of woman's struggle for equality, was another factor in the progress of women. The educated girl had a more assured attitude toward life than her ignorant sister. Until well

into the nineteenth century, few women could boast more than the bare rudiments of education and any higher training for their sex was wholly neglected. In 1833 Oberlin, the first co-educational college, and in 1836 Mt. Holyoke, the first female institution approaching collegiate rank, were founded. Vassar, the first woman's college with ample funds and with the same academic standards as the men's colleges, was established in 1865, Radcliffe in 1879. For years, though women were tax payers and citizens of the community, the state universities, supported by public funds, refused them admittance. In 1867 Wisconsin permitted them to enter its normal department. In 1870 Michigan admitted women to all its regular courses. The professional schools were even slower in opening their doors to females, and training for the professions was practically denied the most ambitious. Johns Hopkins in 1893, Yale and Columbia in 1916, removed restrictions debarring women. But at that date there still remained twenty-eight schools and colleges and seven medical departments in the state universities which were closed to females.[1]

Status of Women in 1924. It is interesting to look back after over three-quarters of a century at the Woman's Declaration of Independence and see wherein the status of women has improved, wherein it has remained almost static.

1. Men and women are not yet equal and some persons still believe they never can or will be. On August 7, 1922, an editorial appeared in the New York *Times:*

   "Woman is still the weaker vessel and always will be. She still needs man to protect her from wrong and brutality. In the battle of life she will always be at a disadvantage, and most of the prizes and the wealth will go to man. The average woman understands this and does not rebel against it. . . . Really, there is no such being as the new woman. Woman is unchangeable, the eternal feminine."

   The article then went on to point out that despite this it was best for society to give women an opportunity to develop.
2. Women have gained the suffrage, though actually they have small part in the government.
3. Through the suffrage, they now have a voice in making laws, but as most of the laws under which society exists were made by the male sex only, they still have to obey laws in the making of which they have had no voice.
4. Some of the rights allowed the most degraded men are still denied women, through unequal laws, economic discriminations, and social customs.

[1] Schlesinger, A. M., "New Viewpoints in American History," pp. 149-150.

5. If married, they are no longer legally dead in the eyes of the law, though they still suffer under common law disabilities in all of the states but one.
6. They are no longer taxed without representation.
7. The most desirable employments are still monopolized by men.
8. Though women can obtain a good education to-day, some of the best colleges remain closed to them.
9. The double standard of morals is breaking down but has not by any means disappeared. It is evidenced in the attitude of society, the illegitimacy laws, the woman's greater liability to arrest and punishment for immorality.
10. Some men still assume the powers of God Almighty in presuming to assign a sphere to women. An Associated Press dispatch of March 16, 1923, quoted a university professor as saying: "You hear a great deal about the emancipation of woman nowadays. I for one am for it. I wish she would emancipate herself from a lot of her foolish notions. Particularly do I long for a day when she will be free from her present obsession to imitate man in everything and return to her occupation of being feminine, the sphere where she belongs, and where she can have all the liberties she pleases."

    Persons believing in woman's sphere seem to feel that all the pleasures, work, achievements, and sports of life outside of home, housework, and children belong to men. They seem to think that woman's contributions to these worldly activities are negligible and unnecessary and that she has no right to participate in or enjoy them.
11. The word, "obey," has not been dropped from the marriage ceremony, though its use is by no means universal. There are some men who still would say with Lyman Abbott, one time writer and minister:

    "When the wedding day comes she has no desire to omit from the service the promise to obey. . . . She wishes not to submit a reluctant will to his, but to make his will her own. She wishes a sovereign and is glad to have found him. . . . To give up her home, abandon her name, merge her personality in his keeping—this is her glad ambition, and it swallows up all other ambitions."

While this statement would have to be modified for large numbers of twentieth century women, it is still true that the majority of women on marriage give up their home, abandon their name, give up all thought of outside career or achievement, and are largely content to remain engulfed in the four walls of the home, oblivious to the course of world movements, contributing to the world only indirectly through their male children.

But on the horizon a new ideal of marriage is slowly rising.

Some few people have attained it to-day. It foreshadows a form of society, neither mother right, matriarchy, nor patriarchy. It may be called partnership. Such an ideal presupposes the equal rights of both partners in society, in the economic and political world, and before the law. Neither is "head" of the household. Neither imposes his heritage or name solely on the family. Neither exacts dependence or obedience. Both are on the same plane. Both are recognized as free individuals with the same rights to "life, liberty, and the pursuit of happiness."

XIII

SOME EXISTING INEQUALITIES

The modern woman movement aims to abolish the remaining inequalities between men and women which still exist in law, government, economic, professional, and private life. For the furtherance of this purpose women have organized into different associations. Two of the most active are the League of Women Voters and the National Woman's Party. The League of Women Voters contains many of the women formerly prominent in the suffrage cause. It strives to train its members for effective participation in political life, is agitating for the removal of existing legal inequalities, and has a broad interest in humanitarian movements. The National Woman's Party is likewise an outgrowth of the suffrage movement. Unlike the League of Women Voters, it is a sex party with the avowed purpose of doing away with "all forms of the subjection of women." Its first step in attaining this object is to obliterate legal discriminations. This can be accomplished by the state or federal method and by blanket or special legislation.

The League of Women Voters prefers the state by state method with specific laws for specific ills. It is opposed to blanket legislation on the ground that it places in possible danger existing measures designed to protect women. It believes that sweeping equality may be interpreted by the courts as destructive of such legislation. The National Woman's Party is willing to run this risk. It objects to special legislation for women as a form of sex inequality. It lends its support to any legitimate method calculated to bring results and is the special sponsor of a blanket equality amendment to the federal constitution which provides: "Men and Women shall have Equal Rights throughout the United States and every place subject to its jurisdiction."

The women's efforts have met with some success. Certain specific inequalities have been abolished in a number of states. But in 1924, Wisconsin was still the only state in the union in which women were practically on an equal plane with men before the law. The equal rights law was passed by that state, June

21, 1921. The one exception made in this law to full equality for women was the exemption of the welfare legislation restricting women's freedom of contract in industry. Some of the inequalities which women are seeking to have removed are:

Discriminations Under the Law

1. Superior guardianship rights of the father, in some instances giving him almost complete control of the children, the mother having far less control.
2. Inability of married women to choose their legal residence, such right being vested solely in the husband.
3. Unequal grounds for divorce favoring the male.
4. Lesser inheritance rights for women.
5. Lesser property rights.
6. Ownership by husband of married woman's services and sometimes of her earnings.
7. Disqualification of women for public office and jury service.
8. Discrimination against women in punishment of sex offenses.
9. Discrimination against women in responsibility for illegitimate child.
10. Lesser rights to recover damages.
11. Narrowly limited contractual powers.
12. Men preferred as administrators.
13. Age of consent lower for girls than for boys.
14. Admission to some state universities easier for men, etc.

While the majority of women may never come in contact with these laws or even be cognizant of their existence, any woman may become involved in a legal controversy and experience their rigor. Many cases are on record showing how the law has acted against the woman in favor of the man.

Discussion of Sex Discriminations Under the Law

Name.[1] Throughout the United States a woman takes the name of her husband on marriage. The prefix to the name, as the name itself, is a designation of her wedded state. No appellation marks the married man who retains his name and the prefix to it from birth. Not only the wife but the children carry the paternal name. The woman's part in creation is obviously more

[1] The name is more properly a question of custom than law.

hazardous and arduous than the man's. She must risk death that the race be continued. In addition she is expected, under our present system, to devote the best part of her life to the care of the home. Home and child, these constitute her major occupations. The father is ordinarily the financial support of the family, though in many instances the mother, in addition to her other duties, shares this burden. He seldom devotes as much time to his paternal obligations as the mother does to her maternal. He may be evil, may abandon wife and children, leaving his wife to support the family alone. Yet no matter what the circumstances, if the children are born in wedlock, they bear the father's name. Under the law of some states he practically controls their destinies. Society requires the average married woman to devote her existence to one kind of work. Nature requires her to make a greater sacrifice than her partner in the production of life. The logical assumption would be that if either party was to impress his name exclusively upon the offspring, it would be the one who was the principal factor in their creation and upbringing.

What is in a name? Very little according to fundamental ethical values, a great deal according to practical world values. Why do parents in general prefer a male child first? Why, if they have only one, are they glad it is a boy? There seem to be two main reasons. If there are sons they bear the family name. If there are only daughters that particular family branch disappears to all intents and purposes. A son has wide prospects. He may achieve worldly fame. A daughter will probably marry, lose name and opportunity for public success. The male infant is welcome, the female less so, and the name has an importance seldom acknowledged.

Guardianship. The question of the name may seem unfair to those who stop to think about it, but it does not cause the suffering which may result from some of the state laws controlling the guardianship of children. Such laws give the father primary rights to the care, custody, and control of the children. They permit the husband to will the children away from the wife and make him sole owner of their earnings and services.

Custody of Child. In Virginia in 1924, while the future welfare of the child was recognized in law as the chief consideration, the father was legally the natural guardian with a paramount right to the child. A wife left her husband, taking with her their three children, ages six, four, and two. The lower court gave these children to the mother. On appeal to the circuit court, the judgment was reversed, and this decision was sustained by the

supreme court. The evidence in the case showed that the relations of the parents had been unhappy almost from the beginning. The mother was "affectionate and devoted" to the children. The father was a "sober and successful business man," providing for the wants of his family, but given to outbursts of temper when thwarted by his wife. The court stated that he seemed to have broken up the home. However both he and the paternal grandparents of the children were able and willing to provide for them while the mother was dependent on her parents for support. Also the father was the natural guardian of the children. Therefore they were committed to his custody.[2]

Father's Superior Right to Labor and Earnings of Children. In Massachusetts in 1924 both parents were held liable for desertion or for willful refusal properly to care for or rear their children. Despite this obligation which fell on both under the law, the father had first claim to the earnings and services of his minor children.

A boy of sixteen died as the result of injuries sustained in industry. Evidence showed that the boy gave his pay envelope to his mother. Only in her absence did he give it to his father. The industrial accident board reported that both parents were partially dependent on the boy to the extent of one-half his wages. The court held that the entire award should go to the father who had exercised his "common law right of receiving and using as his own the earnings of his minor child." If he chose to have those wages turned over to his wife, as his agent, this did not invalidate his right as the head of the family to the son's wages.[3]

Husband Legal Head of Household. In Georgia in 1924, the husband was recognized as legal head of the household. In connection with a case against a man convicted of drunkenness in a private household, the woman of the house appeared as prosecutrix and sole witness for the state, while her husband appeared as the leading witness for the defendant. The wife swore that the house was hers as she paid the rent herself. The point of interest was the court's declaration that "Where husband and wife reside together, whatever else she may be the head of, he is the head of the house." In this case the wife seemed to think that she was in this position. "The true legal relation of husband and wife,"

[2] National Woman's Party; 90 Va. 845-848. *See also* 103 Va. 750-761. These cases and those following occurred at various dates. Some were tried several years ago. This does not, however, invalidate them as in 1924 no changes had been made in the laws of the states cited.

[3] National Woman's Party; 231 Mass. 261-264. *See also* 226 Mass. 336-343.

was "in her mind reversed. . . . She put the petticoat in a more advanced position than the pantaloons." The court however acknowledged that from the record there was little doubt that the husband's "title to be called the head of the family depends solely for its existence upon the law." [4]

Wife's Earnings. In Georgia in 1924, the earnings of a married woman belonged to her husband unless he gave his consent to her carrying on an independent business or unless he made her a present of the earnings. A woman brought suit against her mother-in-law, claiming that shortly after she was married she and her husband agreed to buy a certain piece of land. She contributed from her earnings to the purchase price of the land and paid for repairs made on it. The deed for the land should have been made out to her and her husband, but without her knowledge or consent he had the deed made out to himself alone and later deeded away the property to his mother. For these reasons she sought to recover the money which she had paid toward the purchase price of the land. The supreme court dismissed her suit on the ground that the evidence did not show that she had a right to sue. Moreover even if she had contributed to the purchase price of the land, such contribution was made from her earnings which belonged to her husband as did the property purchased with such earnings.[5]

Restrictions Placed on Married Women Desirous of Carrying on Independent Business and Ownership of Wife's Services by Husband. A married couple living in Ann Arbor, Michigan, had built up a prosperous business. A dispute arose over the conduct of the business and the wife left the husband to set up a like business of her own. The husband filed a complaint saying he was willing to support his wife and asking that she be constrained from becoming his competitor. The wife replied by charging her husband with cruelty and asking for a divorce. The supreme court denied her petition and granted the husband a permanent injunction restraining her from conducting an independent business. It declared that the husband was required by law to give his wife support reasonably consistent with his means and station. In return he was entitled to her services and society. While the wife might with her husband's consent conduct a business on her own account, she might not compete with him against his consent, if he was willing and able to support her.[6]

[4] National Woman's Party; 8 Ga. app. 454-456.
[5] *Ibid.;* 112 Ga. 842.
[6] *Ibid.;* 164 Mich. 638-646.

Right of Contract. Florida and several other states narrowly limit a married woman's contractual rights. A married woman attempted to enter partnership with two other persons. A controversy arose over the legality of the partnership. The court held that a partnership could not be established where the parties were incapable of contracting regarding the terms of joint partnership. It stated that a married woman, having no legal existence apart from her husband, had no legal capacity to assume the contractual obligations necessary to independent participation in a partnership.[7]

Residence. A large number of states in 1924 permitted the wife no separate legal residence. The residence of the wife was considered to be that of the husband. Should the husband maintain his legal residence at a place distant from the home, should a married couple be separated either by force of circumstances or voluntarily, the wife might be greatly inconvenienced. She could be prevented from voting, participating in political affairs, holding public office, etc. It might mean litigation against her which would react most unfavorably for her best interests.

In Louisiana a married woman has no other domicile than that of her husband and is "bound" to "follow him wherever he chooses to reside." A man whose residence was Louisiana, married a girl living in New York. During years of military service, he lived with her in New York at intervals. On retiring from service, he returned to Louisiana, filed suit for divorce on the ground of desertion and was granted the decree. The court maintained that the wife's home was that of her husband in Louisiana and that her refusal to live with him there constituted an abandonment of her home although she had never been in Louisiana in her life.[8]

Citizenship. Until September 22, 1922, the status of a woman citizen was inferior to that of a man because her independent citizenship in marriage was not recognized. On that date Congress passed a law remedying many of the inequalities incident to the naturalization and citizenship of married women. This law does not place women on the same plane with men in the matter of citizenship. A native-born male cannot lose his citizenship unless he deliberately expatriates himself by taking the oath of allegiance to or by becoming the naturalized citizen of another country. A native-born woman may lose her citizenship without her own volition in two ways:

[7] National Woman's Party; 23 Fla. 83-89; 58 Fla. 377-388; 70 Fla. 218-226.
[8] *Ibid.;* 139 La. 658-659.

1. If she marries an alien ineligible for citizenship.
2. If married to an alien, she resides continuously for a period of two years in the foreign state of which her husband is a citizen or subject, or lives continuously for five years outside the United States. In such event, she is subject to the same presumption as a naturalized citizen who has lived outside this country for a like period of time. Both are held to have lost their right to United States citizenship unless, on presentation of satisfactory evidence to the diplomatic or consular officer of the United States, they can overcome such presumption under the regulations laid down by the Department of State.

In other words, the native-born male does not lose his citizenship on marriage to a person adjudged ineligible for citizenship because of nationality, beliefs, mental, or moral unfitness, but a native-born woman does lose hers. A native-born male citizen married to an alien woman is not placed in the same category as the naturalized citizen and deprived of citizenship because he resides for two years in his wife's native land or sojourns for five or more years outside the United States, but a native-born female under the same circumstances has only the status of the naturalized citizen.

Other inequalities in the law concern citizenship of children, the status of the alien wife or husband of a native-born citizen, and the requirement of the husband's fitness for citizenship made in the case of the alien woman. The children of a native-born male would not lose their American citizenship because the other parent happened to be a foreigner, and they were born outside the United States. The children of a native-born female would lose theirs. The native-born male can secure for his foreign-born spouse certain exemptions from the naturalization requirements for all other aliens. The native-born woman cannot claim such privileges for her alien husband. Moreover the first statement with which the act begins: "That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman" is repudiated by the subsequent provision: "That no woman whose husband is not eligible for citizenship shall be naturalized during the continuance of the marital status." The male alien's eligibility for citizenship does not depend on the fitness of his wife.

The majority of laws which favor the man rather than the woman concern themselves with the marital state. They are based on the old common law conception of man as head, ruler, and economic support of the family. They do not treat marriage

as a partnership of equals, but rather as a relationship in which one party is superior to the other, in which one has greater responsibility and so greater rights. The emphasis of these laws is placed on the economic significance of the man in the family group. The social importance of the mother, her actual contribution to the birth and upbringing of the child is subordinated to the financial importance of the father. The division is drawn without regard for those mothers who share the financial burdens of the fathers. In some states where the division is finely made, the legal obligation of the married woman to support her offspring is practically as great as that of the man, while the unmarried mother's responsibility to the illegitimate child is greater.

Jury Service. Though the majority of legal inequalities do not affect the single woman, some of them have no connection with the marital condition. In many states women, whether married or single, are still disqualified for jury service. Some of these states, like New York, use the words, "male citizens," in defining the qualifications of grand and trial jurors.

Sex Offenses. The immoral female is punished and often confined, the male offender usually goes free.[9] It is ordinarily held that only a woman can commit prostitution, so she alone may be penalized for this offense.[10] In some states the law concerning the illegitimate child bears more heavily on the mother than on the father. The former must usually prove in court the charge of bastardy against the latter if she is to secure any redress or make him share the burden of their mutual wrong-doing. This is sometimes very difficult. The mother may suffer the stigma and strain of a trial only to have her partner in crime acquitted. Even if she succeeds in having him convicted, the law may not force him to assume his full share of responsibility. In Florida, in 1923, the highest sum a father could be compelled to pay toward the support and education of his illegitimate child was $50 a year for ten years, plus the expenses of the child's birth. The mother was held responsible for its care and support.

The same situation is true in many other states. The money compensation paid by the father is often so small that it bears no relation to the actual expense of the child's upbringing and its

9 National Woman's Party, Pamphlets on state laws discriminating against women.

10 Letter dated April 3, 1922, from the United States Interdepartmental Social Hygiene Board to the National Woman's Party states that there are less than fifteen states which define prostitution as an act of the male as well as the female.

custody and guardianship fall solely on the mother. In Virginia and some other states, the mother has the entire legal responsibility for the illegitimate child. There is no law by which she can secure aid from the child's father. In Massachusetts the unmarried mother alone is recognized as her child's natural guardian. The father whose parenthood has been proved can only be called upon to pay a reasonable amount for its support. In the birth records of this state, the name of the father and other facts of his identity cannot be recorded except on the written request of both father and mother. The mother enjoys no such protection as to her identity.[11]

The difficulty of proving the man's parenthood; the hesitancy the mother feels in publicly pressing charges against the father; the time, trouble, stigma, and money which such a trial may demand; the fact that often the mother is young, has just been through the physical ordeal of childbirth, and is in no condition to press her suit are factors favoring the father. Too often he goes free, uncondemned, unpunished, while on the woman falls the entire opprobrium, punishment, and responsibility for their joint act.

Societies for the care of girls lay emphasis on sex offenses, the prevention of sex immorality, the instruction and reformation of the mother of an illegitimate child. No similar degree of care is taken to keep the male from making a misstep, to correct and instruct the man who becomes a father out of wedlock. Female reformatories show the majority of inmates confined for sexual immorality, but this is not the case in the male institutions. Yet for every female offender, there is a male; for every unmarried mother, a father.

Social Inequalities

Double Standard. Back of the different treatment given men and women in sex crimes is the double standard. This allows the immoral man to be socially recognized, to marry without sense of guilt a moral girl, while a woman's solitary blunder causes her to lose caste among her own people, damages her in the eyes of the world, and usually destroys her hope of marriage even to a man more blameworthy than herself. The double standard is as unfair to men as it is to women. It allows the boy to grow up little realizing the consequences of his action. It places a blot on

[11] National Woman's Party, Pamphlets on state laws discriminating against women.

manhood which the decent man finds ignominious. It is the cause of many of the physical and moral defects of the race. Delicate children of both sexes, invalid men and women, can lay their weakness at the door of the double standard. It supports the white slave business, that traffic in human souls which degrades both victim and purchaser. The slaves are secured through the advantage taken of the weak, through violence, deceit, and industrial pressure. They are meshed in a net from which they can never escape, the net of public disapproval. Society gives these women, and in fact any woman who falls from its graces, little chance to come back.

These conditions will continue to exist unless some way is found to apprehend and punish the male offender as rigorously as the female; unless our laws bear as heavily on the one as on the other; unless social censure is the same for both. But this change cannot be effected without a revision in the education of youth. The obligation to be sexually clean, the equal responsibility of men and women to the future race, the possible injurious results of immorality to health, and the contagion spread by the sexually diseased—these are lessons which should be taught every boy and girl.

The change cannot be brought about until the same care is taken of the boy's morals as is now taken of the girl's. Our institutions of learning are a good example of the general attitude of society toward this matter. The boy enters college at an age ranging from seventeen to nineteen. He is allowed to come and go at will. Great dependence is placed on his good sense. Only when he offends to such a degree against the rules of society or college that he cannot conceal his wrong-doing does he meet restriction. This liberal treatment continues throughout his college course. Even boys' preparatory schools allow their older pupils a wide measure of freedom. The boy of seventeen or eighteen who has had a carefully supervised life and suddenly has practically all supervision of the manner in which he spends his spare time removed is exposed to a danger which his parents little realize. The girl is under rules from the time she enters college until she graduates. Offenses overlooked or mildly censured if committed by a boy are severely punished if committed by a girl. The conduct of the girl senior is more carefully watched and regulated than is that of the boy freshman. The custom of chaperoning and restricting the girl until she graduates to marriage or economic independence is employed by large numbers of parents who allow the boy of the same or younger years practical liberty.

The custom arises from the practice of permitting males a wider degree of self-determination, from the greater value placed by society on female virtue, from the wish to shelter the female from any possible male insult or attack. If there were severe penalties for such crimes and strict enforcement of the laws in all states, this danger would be reduced to a minimum. The innocent would not have to be restricted for the guilty. If the same value were placed on male morality as is placed on female, greater vigilance would be taken to guard the male youth and the prevalence of immorality in both sexes would be lessened.

Education. We do not know how largely the differences between the sexes are a matter of education and association. From early childhood, sex determines the toys, dress, general behavior, and playmates of the child. The girl is given dolls, doll carriages, doll houses. Her play centers about the miniature home. Her mother instinct is fostered. The boy is given toy engines, blocks, tools, to develop his ingenuity and inventiveness. He is taught an independence which is often neglected in the girl. The one is permitted more freedom and often has less responsibility. The other's life tends to be more confining. Her duties in the home are greater. The boy has bravery, self-reliance, physical prowess, success, as his peculiar sex ideals; the girl, obedience to duty, chastity, beauty, marriage. The one is taught to retaliate with fists, the other with tongue. The one must control a desire to cry when hurt, the other feels no particular disgrace connected with tears. The one soon learns self-reliance through wider freedom, the other may never learn it. The one is trained in competitive sports. A strong body is his ambition, the other's body has for years been neglected. The feminist movement and the new position of women has produced a different feeling toward the physical training of girls. But this feeling is not yet great enough to cause the same emphasis to be placed on the bodily development of girls as is placed on that of boys. The boys' institutions spend far more on athletics than do the girls'. The incentive to train is usually lacking in the girls' schools, in which competitive athletics with outside teams are sometimes forbidden, in which the large sums spent on similar sports for boys, the public exhibitions, the trips from place to place, the laudation of the team, are lacking.

In the home the girl is expected to assist with household tasks. Sometimes the same duties devolve on the boy, but it would be safe to say that in the majority of cases the girl's responsibilities are greater. Often she is expected to wait on her brother, do his

mending, make his bed, care for his room, and on occasions prepare his meals. The result is the male's ignorance of this personal work. He is often unwilling to learn to do such tasks for himself. He terms them "woman's work." Before marriage this is done by his mother or sister, after marriage his wife takes up the burden. The fact that a woman is a breadwinner like her husband or has the care of a large family, exacting more time and strain than the man's occupation, seldom exempts her from such personal services to him.

Personal Appearance. The ordinary girl's early education presupposes a single life work, home keeping and service to the man; the boy's a variety of occupations and woman service. The girl is expected to be less active and more beautiful, the boy more active and less good looking. Even their clothes have been designed with these purposes in mind. The dress affords a wider range of costume and is more confining than trousers. It serves the aim of beauty but not that of physical freedom. Good looks are an asset to both man and woman but are considered more essential to the latter. Indeed, they are held up as one of the chief requirements of successful womanhood. Often impossible of attainment, many girls strive to reach this ideal by any means in their power. If their lives are bounded by the wedding ring and their main ambition is marriage, their personal appearance assumes an importance out of all comparison with its actual value. The pretty girl is apt to have more matrimonial chances. The homely girl is fortunate to have any. The man's looks are of small account. For this reason he watches the passing years with comparative indifference. He feels himself young long after he has come to regard the woman his own age as old. The middle-aged man, even the elderly man, can marry youth with little censure. A difference of from ten to twenty years in the ages of husband and wife is not looked upon with disapproval. From two to three years up to ten is an every-day matter. The older woman's opportunities for marriage are much less than are the man's of her own years. Society does not have the same lenient attitude toward the marriage of female age or middle age with male youth.

The attainment of beauty consumes time. The woman takes longer to dress and changes her costume more frequently. The person of limited means occupies her spare hours in remodeling old clothes to conform to new fashions and in making the garments she cannot afford to buy. If she is engaged in industry or a profession, the time so employed lessens her business efficiency,

steals the hours she might spend in rest, recreation, and study. Her wish to look attractive induces her to adopt the prevailing modes, to distort her body, and to wear skirts now narrow, now full, now long, now short. A woman's clothes carry a potential danger. They seldom are designed to give her full use of her limbs. Crossing the crowded street, getting on and off street cars, walking on an icy pavement, she runs a greater risk of accident than the man. To such clothes many of the physical ills of women may be traced. The heritage of years of wrong living and lack of physical training, the nervous strain of modern life, the double burden of work which some women must carry, and sexual excesses are likewise reasons for the high morbidity rate of women.

Sickness. In a study of the factory workers in New York in 1919 the sickness rate was 50 per cent higher for women than for men. There were 101 cases of sickness per 1,000 men and 154 per 1,000 women. Each man lost nine-tenths working days, each woman lost one and eight-tenths.[12] Doctors recognize the lower health standards of women. A large part of their practice is among females. Yet little is done to remedy this condition. The sex which needs physical culture the most does not have the same incentive or the same opportunities for it. Women are handicapped in economic life by discriminations in wages, in opportunity for advancement, and in training. If engaged in home occupations, the work for those women who have a family and cannot afford outside help is more confining, laborious, and requires longer hours than the work of laboring men. The average married woman who is employed outside the home not only has her outside occupations but housework as well, yet she is more delicate and less fit to bear these burdens than the man.

Marriage. Marriage means for the majority of women the relinquishment of their careers. Development in business or profession is arrested in embryo. The man can have wife, family, calling. The woman must ordinarily make a choice. The man can select his occupation from a variety of different employments; the average married woman seldom has a selection. She must engage in a certain type of work. For this she may have no aptitude. She may have spent time and money in preparation for a profession, when the hard question—love or a career—is presented. In choosing love, her talents are lost to the world in work which a lesser intelligence could do.

In marriage the woman has no economic independence. Her

[12] "Women Who Work," Bulletin No. 110, prepared under the direction of the Industrial Commissioner, New York, p. 34.

husband is not obliged to share his income equally with her. Except for the necessaries of life, which the law requires him to provide in accordance with his social position, the wife is dependent on his good will. No matter what her success as wife, mother, housekeeper, it does not bring her added money unless her husband is equally successful in his occupation and is a generous provider. If instead he is mediocre or a failure, the woman, a success in her work, must wear the habiliments of poverty, must perhaps have her own efforts spoiled by her husband's impotence. It is equally true that an inefficient wife can be a great detriment to her husband, but his success is seldom as dependent on hers as is hers on him.

Effect of Husband's Death. The death of the husband ends the wife's job. Unless he has made ample provision, which comparatively few men are able to do, charity alone will permit her to continue in her former occupation of homemaker. In lower and upper class families the blow is not as great as it is in middle class families. In the one the amount received from charity plus the earnings of the mother, who may have been a regular contributor to the family budget, enables the family to proceed in its customary course. In the other, the father usually leaves adequate funds for the family maintenance. In middle class families the loss of the father is a dire emotional and physical catastrophe affecting vitally the family standards and changing the character of the family life. The mother hesitates to apply to charity or relatives. The former would give an amount inadequate for the family needs. The latter might subject the little group to an often unbearable dependence. Her best recourse is outside work, yet sometimes she is totally unfitted by early training to occupy any position. Seldom can she hope, as unskilled worker, to earn a salary commensurate with her deceased husband's. If she has been educated in youth for economic life, the long period of dependence and changed employment has sapped her former skill. The period which might have marked her industrial growth has been devoted to unskilled work. She must often accept a job on the lowest rung of the economic ladder or enter a blind-alley occupation. Her success as homekeeper, wife, or mother profits her little when that person for whom her efforts have been made is dead, and her children are too young to be of practical assistance. The educated middle class woman who has worked outside the home after the first period of her children's lives has an advantage over the homekeeper. Though her husband's death would bring great sorrow, the family could pursue its accus-

tomed way. The wife's income would still be sufficient to maintain the family in reasonable comfort. The mother would be employed in work of her own choosing and would probably have attained a measure of success in it.

Middle-aged Women. Economic independence would free the wife of a man of modest means from the evils of poverty and upheaval which now attend the husband's death. It would place the successful woman of later middle life in the category of the successful man. He is in his prime, at the peak of his success. As president, senator, judge, lawyer, doctor, trader, business man, he still has years of achievement ahead. But the woman's duties as mother are practically over. If her husband has been prosperous, household labor is at an end. Society, charity, study, or travel may occupy a portion of her time; but they do not furnish the definite aim which most human beings need as an incentive to attainment. If her husband is dead and has not left her a livelihood, she must look to her children or to relatives for support. This may render her pitifully dependent with little to occupy hand or brain but odd tasks about the house. Only the very exceptional woman of this age, particularly if the greater part of her life has been spent in the shelter of the home, has the courage, ability, or opportunity to commence an outside career.

Advantages of Present Customs Accompanying Marriage. The present customs accompanying marriage ordinarily render the woman practically dependent on another person's kindness and generosity. The married woman experiences legal discriminations which give the husband added power. The one occupation in which she does engage tends to decrease in importance as the years go by. It is largely mechanical work which does not stimulate the intellect. On the other hand, both sexes enjoy through marriage—love, companionship, family, and home life. Some women like housework and would elect that occupation were they given a choice. Others would prefer the care of children, either their own or another's, to any calling. These women may be engaged in much less desirable work when marriage offers them their opportunity. Through marriage they may advance further than their own abilities would warrant, may secure the comforts and luxuries of life by the labor of another, may be spared many of its hardships and sufferings, be freed of all necessity to work with leisure for whatever pursuit they fancy. Through their husband, they may exert a wide influence and attain social prominence. Regardless of legal discriminations, of economic dependence, they may rule the household and control the finances. There

are many advantages in woman's present position, but they are often unearned and precarious. They may vanish when they seem most secure. If a life of leisure may be termed an advantage, a comparatively small group of women secure this through marriage. In common phraseology, a wife is "supported" by her husband; but the working wife and mother is actually a producer, a producer of young lives, of edible food, of wearing apparel, of clean living conditions. Her husband does not "support" her. She is entitled to one-half the family income, though she has no guarantee that she will receive it except her husband's goodwill.

Marriage asks a sacrifice of both sexes. The right-minded man wants his wife to share equally with him. She is his partner. He gives up a portion of his freedom and a part of his earnings when he enters the married state. Sometimes, in addition to his own work, he helps his wife in the home. The poor man with a young family has almost as limited a choice of occupation as his wife, for he cannot change his position at will when he has others dependent on him. Marriage demands self-denial of both man and woman, but the woman ordinarily loses the greater measure of independence and self-determination.

XIV

THE DISCRIMINATIONS WOMEN ENCOUNTER IN THE ECONOMIC WORLD

"Woman's Place Is in the Home"

The fact that the majority of women marry and retire from active business, professional, or industrial life has been a strong influence in determining their position in the outside world. It explains in part the subordinate place occupied by most women workers and the greater interest shown in the training and promotion of men workers. It is often used as an argument to support sex discriminations and to account for abridged opportunities and lower wages. Yet while the majority of women relinquish outside work for home work, there are a minority who spend their lives in earning a living. For some years from one-fifth to one-fourth of the population gainfully employed have been women. They work outside the home, sometimes from necessity, sometimes from choice. Did figures exist showing the number of women who are actually workers and the proportion they form of the total body of workers, the one-fifth to one-fourth might reasonably be expected to reach approximately one-half.[1]

Women have always borne their share of the world's work. Whether at home or in the world, they have contributed to the advancement and production of the community in which they live. Few have been able or wished to live their lives in idleness. If this is true, the justice of limiting the nature of and opportunity for employment of a large part of the human race is questionable. Yet this is what society does when it insists that "woman's place is in the home." From the practical application of this little phrase many of the sex discriminations in industry

[1] The women who exchange economic life for home life do not ordinarily enter a career of idleness. They merely relinquish gainful outside employment for household labor, an occupation not incorporated in the census list of gainful employments.

have sprung. Its interpretation has been modified from time to time to meet changing circumstances and social customs.

The woman of colonial days remained in the home because her presence was urgently needed to supervise the manufacture of articles of household use. The residue after the family had been supplied was often disposed of in the market. Even in those early days women sometimes found that although woman's place was in the home, there was no place in the home for some women. These unfortunates were encouraged to engage in gainful occupations. They occasionally worked on the farm, became servants, nurses, midwives, heads of dames' schools, keepers of taverns and "ordinaries," shopkeepers, traders, and later printers and employees in paper mills.[2] The number of women so employed was not great, but industry was considered a virtue and idle women were not deterred from working.

When the work of spinning and weaving was transferred from home to factory, it seemed but natural that women should follow their work, sometimes taking their families with them. There was wide employment of woman and child labor. Society seemed to forget that woman's place was the home and applauded an institution which furnished work for those who might otherwise have been idle and a burden on the community.

Concentration of Women Workers in Woman-employing Industries

When manufacturing extended to wider fields and immigration increased, answering the call of opportunity, men ceased to think of agriculture as the best field for the adult male laborer. Men practically preëmpted many of the new industries. Women took part in scattered numbers in many different types of industry,[3] but those occupations connected with work once done wholly in the home and those which in the early days of manufacturing first engaged women workers, became and remained the strongholds of female labor. They include the food, fabric, tobacco, and printing industries.

Both social and economic factors have been responsible for the concentration of women in these industries. Here, they early made a place for themselves while men were still primarily interested in agriculture. Their foothold in the tobacco and printing industries was less secure than in the food and fabric indus-

2 Abbott, Edith, "Women in Industry," pp. 10-34.

3 *Ibid.*, pp. 67-71.

tries, and their numbers were less. But the work did not require great muscular strength, the women proved good workers, usually cost the employer less, and so were able to become important factors in both these employments. In the food and fabric industries they were aided by the belief that woman's place was in the home. This belief also worked to limit their radius of industrial activity. The formula had never worked perfectly. Some women had never been able to occupy their "place" but had to be misplaced in industry or supported by charity or relatives. Others had refused to recognize the particular spot assigned to them and had voluntarily sought a position in industry. Here they found their ambitions likewise limited by a place. That place was the woman-employing industries. The unconscious reaction of society to women in industry was something like this. The woman was out of place in industry, but if she was engaged in the woman-employing industries, she was at least employed in a type of work related to that done in the home. She was better fitted for this work by her early training than for any other. It was looked upon as the peculiar province of the female. In it she encountered less male competition than in other lines. Just as the home was considered woman's proper sphere in society, the woman-employing industries came to be regarded as the proper sphere for those women who must engage in industry.

Jealousy on the part of the male sex, indifference on the part of women who looked upon industry as a necessary evil to be engaged in only until their real place was available helped to keep women concentrated in these industries. The women who had this attitude were indifferent workers. They did not always put their best effort into work which they expected to leave at the first opportunity. Many of them were unskilled or semi-skilled workers with little training and little chance of promotion. This also did much to lessen their enthusiasm and indirectly to lower their efficiency. If they thought of their employment as very temporary and of little importance in their lives, they were less willing to take the trouble to unionize. Though it must be noted that even in the early days of unionism, there were unions composed wholly of women who carried on successful strikes. But like the men's unions of this early period, the women's unions were weak and often disbanded after their purposes were attained. The great bulk of women workers have always been ununionized. Men have not been overly anxious to admit them to their unions. They have been prejudiced against

women in industry, particularly in industries in which they have no traditional foothold. Men have regarded women as out of their sphere and intruding on masculine premises. They have been jealous and have refused to admit a woman's ability outside of her peculiar place, especially in tasks habitually performed by men. Women themselves have often lacked self-confidence. They have felt what society has impressed on them for so many years, that in industry they are misfits and cannot do as much or as efficient work as men. This inferiority complex has made them content to remain unskilled or semi-skilled workers. Their short industrial life, their lesser preparation for a trade, the prejudices they encounter, and the attitude of employers have been additional forces keeping them in the lower type work. Employers have hesitated to advance their female workers to skilled or responsible positions, because they were not regarded as a permanent part of the labor force. Even had employers been willing to overlook the fact that women might at any time leave industry for home life, there were few women with the training or experience for the better class positions. Many employers had habitually confined their working force to men. To employ women would mean new additions to the plant, would be against precedent, and would arouse the antagonism of the male workers. All of these factors combined to lessen the demand for female workers and so to lower their wages. A low demand for their work helped to keep them confined to the woman-employing industries for which their instruction at home and practically all the courses open to them in the trade schools had prepared them. In 1914 three-fourths of the women workers employed in manufacturing and mechanical pursuits were concentrated in this group of industries.

The Woman Worker and the World War

The World War offered women the desired opportunity to leave these industries and enter better paid fields. The war broke down traditions, prejudices, and sex handicaps as the shortage of male workers became acute and the demand for female workers to supply the labor needed in war production grew.

The 1919 census, taken over a year after the war, for December 15, 1919, or the nearest representative day, showed the concentration of women in the woman-employing industries to be considerably lessened. It also showed a general diffusion of women in a wide variety of industrial occupations.

NUMBER AND PER CENT OF WOMEN WAGE EARNERS EMPLOYED IN THE FIVE PRINCIPAL WOMAN-EMPLOYING INDUSTRIES IN THE UNITED STATES, 1914 AND 1919 [4]

	1914		1919	
	Number	*Per cent*	*Number*	*Per cent*
Textiles (Material for wearing apparel)	416,130	27.04	510,602	24.7
Personal apparel	357,742	23.24	405,312	19.6
Food products	197,035	12.8	259,436	12.5
Tobacco products	98,241	6.4	104,328	5.0
Hand and foot wear	87,721	5.7	114,730	5.5
Total for five industrial groups	1,156,869	75.2	1,394,408	67.3
Total for all industries	1,539,190	100.0	2,071,790	100.0

The numbers of women in the woman-employing industries had increased from 1914 to 1919 with the growth of the industries, but the proportion of women so employed to the total number of women in industry was less. While the majority of women were still grouped in the five woman-employing industries, their concentration was not as great. The proportion of women in these industries had declined from 75.2 per cent in 1914 to 67.3 per cent in 1919. The other traditional woman-employing industry, printing and publishing, likewise showed a loss in the proportion of women employed to the total number of women workers. Four and five-tenths per cent of the women workers were engaged in this industry in 1914 and but 3.6 per cent in 1919.

The smaller proportion of women in the food, fabric, tobacco, and printing industries meant a greater proportion in the other industries. In 1919 the number and proportion of women workers had increased in all but thirteen of the eighty-five leading industries. In two of the thirteen no comparison was made. In four the proportionate woman force remained the same. In seven there was a decrease. In the seventy-two industries in which the proportionate number of women had increased, the increase was made largely at the expense of the men whose proportionate numbers showed a parallel decline. Only in a few instances did the decrease take place in the child group of workers.

In the iron and steel industries, which are decidedly man industries, the forces of women workers continued small but showed definite increases. The number of women engaged in the manufacture of iron and steel forgings not made in steel works or

[4] Compiled from data supplied by Woman's Bureau and the United States Census.

rolling mills increased almost sevenfold, had more than trebled in the manufacture of foundry and machine shop products, had been multiplied by almost seven in iron and steel works and rolling mills, had almost doubled itself in the hardware industry, had been multiplied over twenty-nine times in the manufacture of steam and gas engines, had increased threefold in the production of cutlery and edge tools, and was five times greater in the industry making steam fitting, steam and hot water apparatus. The proportion of women to men in each of these industries had also increased substantially.

The lumber industries showed increases rivaling those of the iron and steel group. There were many more women actually employed in 1919. The numbers had doubled and redoubled, though their proportion to the total number of workers remained very small. In the manufacture of furniture, the women workers had more than trebled their numbers and their per cent in the total labor force had increased from less than three to over eight. The chemical industry had practically three times as many women employed in 1919 as in 1914 with an increase in per cent of over three. Electrical machinery apparatus and supplies had gained large numbers of women workers, while their proportion to the total labor force had likewise risen so that in 1919 more than one-fourth the workers were female. The same or greater increases in the number of women employed can be traced in most of the eighty-five leading industries.

The data substantiate the conclusions of the Women's Bureau made after a study of women in industry during the World War. This study shows that the war opened new opportunities to women, that they made good in their new work, and were largely retained after the signing of the Armistice.[5]

During the war, women did work regarded as "men's" work. Sometimes they had been employed in small numbers in such positions before; but it was the war which gave them the opportunity to enter many factories which had heretofore employed only men. It gave them a chance to receive some training for the more skilled positions and furnished them an opening in work usually reserved for men. Employers in need of workers were willing to devote time and effort to training ambitious, though unskilled, females. Women took men's places or were employed in work customarily done by men in industries which ordinarily employed no women and in which the actual number of women

[5] Women's Bureau, Bulletin No. 12, "The New Position of Women in Industry," 1926, *passim*. Data regarding women's war work taken from this study.

workers, even during the war, were few. Such industries as motor cycles, bicycles and parts; shipbuilding; railroad repair shops; the automobile industry; airplanes, seaplanes and parts; agricultural instruments, employed only a few women, but the majority of these were doing men's work. Such industries as electrical machinery apparatus and supplies, some of the metal product and chemical industries, showed a lower rate of replacement, while the woman-employing industries had the lowest rate of all. Possibly the reason for this was the literal interpretation put on the word "substitution" by the firms included in the survey. This was taken to mean women actually taking men's places. Naturally in those employments where no women had been heretofore employed, most of the women, unless the industry was new, were taking men's places. This meant a high rate of substitution. In those industries which had already employed large numbers of women in many different occupations, the opportunity for substituting them on men's work was less, and the rate of replacement fell accordingly.

That they proved themselves generally efficient in their new positions is shown by the firms reporting to the Women's Bureau. Data were secured from 533 manufacturing firms substituting some 58,700 women for men in a variety of occupations. Over three-fourths of these firms reported the women's work to be equal to or better than the men's. Less than one-fourth stated it was not as good. Almost two-fifths, or about 37,600, of the women were employed in metal-working establishments. Their work was reported to be as satisfactory or more so than the men's by over four-fifths of the 260 odd firms reporting on this subject.[6] Output, attendance, discipline, and contentment were all factors which figured in these estimates.

The firms which reported a lower output or failure for the women workers gave such reasons as shorter working hours, morn-

[6] "The New Position of Women in Industry," pp. 94-96.

The tables given on this point did not divide the women whose work equaled that of the men from those whose work was better than that of the men. For this reason, it is impossible to compare the proportion of women whose work excelled that of the men with the proportion of men whose work excelled that of the women and in this way to derive a better estimate of the comparative success of both groups.

One table covering a much smaller group of women employed in metal occupations and containing data as to the relative output alone, made this division. This table showed that the output of the majority of women was equal to or better than that of the men. But the proportion of women excelling the men was less than the proportion of men excelling the women. For this reason the men's output was on the whole slightly greater than the women's.

ing and afternoon rest periods, lack of convenient accommodations, difficulties in discipline, less experience than men workers, work too heavy for women, lacked needed skill, required assistance in lifting work in and out of machines where no mechanical aids were provided, better quality of work but lower rate of production. A few firms gave such reasons as "flirting with men," "waste time," "irregular attendance."

To offset these criticisms were the favorable comments of those firms which reported definite successes for the women workers —more attentive and conscientious than men, "put it all over men" in lathe operating, were especially good on speed lathes and on auto motor parts. The success of the women is made clearer by a few specific instances in which their work excelled that of their men companions.

In milling, one firm reported women's average per hour on milling firing pins for fuses to be 400, that of the men was but 156. Another firm stated that men, with from one to two and a quarter years' experience, milled thirty oil ways per hour; women, with but one to six months' experience, milled thirty-two. A third firm reported that the men's output was 58.1 pieces per hour, the women's was 70.7.

In grinding and polishing metals, one establishment stated that the average output of women of four months' experience or under, on rough and finished tool grinding, was 14.38 pieces per hour. The average output of the men having up to eleven months' experience was 8.42 pieces.

Crane operating was not engaged in enthusiastically by the women workers. Of nine firms reporting on their work, five felt it to be equal to or better than the men's. Four stated it was not as good as the men's. Where women were successful in this work they were reported as better judges of distance, quicker and more careful of the lives of the workers beneath.

Over two-thirds of the firms reported the output of women inspectors to be equal to or better than that of the men. One firm stated its records showed women turning out 20 per cent more than men on two-inch trench mortar shells.

The record of the women is really remarkable when all factors are considered. While the war took many of the physically fit among the males, a large number of the ablest men in war industries were exempted from active service. For this reason a comparison of the work of women and men war workers is not, as is sometimes claimed, unfair because the picked men were all in service. The women had as handicaps, less experience, less

training, a sex complex of inability to do "men's" work, less muscular strength. In many instances the war gave them their first opportunity to secure a livelihood outside of the woman-employing industries or domestic service. It gave them their first chance to advance from unskilled work into semi-skilled or skilled. Of course there were failures. Even when the work was not a failure it did not always compare favorably with the men's. A part of the non-success was due to the unwillingness of some employers to spend the time and trouble necessary to give their new female employees instruction or to furnish them with a proper environment and satisfactory working conditions. A part was due to attempts to use women in work beyond their physical powers.

The measure of women's success during the war and the extent to which they were retained in the new industries after the war emergency was over disproved any traditional idea that women are unfit and incapable of doing any but certain "woman" tasks in industry. Their retention is doubly significant when allowance is made for the numbers of women who voluntarily withdrew from industry when the country no longer needed their services. Their record proves their industrial value and shows them fit to occupy any position in industry not demanding an excess of physical strength. But the short duration of the war served to give women but a foothold in many of the industries into which they expanded. This foothold may be partially swept away in the next few years. Some reduction in the force of women workers after the war was inevitable. That they will ever return to a pre-war basis, lose entirely their bettered status in industry, is unlikely. A wave of war necessity carried women forward in industry. Its recession will doubtless carry them back but not to the point from which they started. The extent to which women retain their improved position is dependent to a certain degree on several factors: the attitude of society and of the women workers themselves toward their work, the attitude of the trade unions, the scope of the industrial training open to women.

Women and the Trade Union

As long as society and women themselves think that woman's place is in the home, that women are misfits in industry and engage in it only when there is no chance for them to occupy their proper place, women will continue to meet sex discrimina-

tions. Their ambition and efficiency will be limited accordingly. This attitude is gradually changing with the advance of the woman movement. Society is coming to look upon women as active and necessary factors not only in the home but in a larger field. With the changing attitude of society, there is a difference in trade union treatment of women workers. Unions have long occupied the paradoxical place of helpers and hinderers to women in industry. They have supported legislative measures designed to protect women workers. For a long period of time, they advocated woman suffrage. When they have admitted women workers, they have attempted to have them paid the same wage rates as men and have made a consistent effort to unionize all the women in the trade. The American Federation of Labor has taken a stand against sex discriminations. It advocates political, civic, and economic equality for women. It believes this equality should be obtained by specific laws rather than by blanket legislation such as is supported by the National Woman's Party. It has determined actively to oppose such legislation on the ground that it is of necessity drawn in general terms and may place in jeopardy labor laws for women. Like some other groups, interested in the welfare of women workers, the federation would rather see the measure of equality which women can secure through legislative enactment long deferred than to endanger the existing labor laws for women. The matter really resolves itself into these questions: Are labor laws for working women so valuable that rather than submit them to any possible adverse court action, the abolition of many existing inequalities affecting all women must be indefinitely postponed? If it actually came to a choice, which would be of more benefit to women as a class, the existing labor legislation or a measure abolishing inequality between the sexes so far as it can be legally abolished?

The American Federation of Labor has affiliated with itself two associations of women active in the trade union movement, the National Women's Trade Union League and the Women's International Union Label League. The purpose of the National Women's Trade Union League is "to protect the women wage earners of America from an inadequate wage and extreme working hours; to insure them a voice in the adjustment of industrial conditions by establishing self-government in the workshop through trade union organization; to create a public opinion which really understands the labor movement; to further the enactment of such legislation as will benefit the workers." In

1923 its platform called for the organization of all workers into unions, for a forty-four-hour week and a minimum wage that would insure an American standard of living, and one day of rest in seven. It is active in reaching ununionized women and in placing them in unions. It has founded a school of training in which women may be educated for leadership in the trade union movement. The Women's International Union Label League aims to educate women in the homes to spend union-earned wages for goods bearing the union label and to patronize organized labor in every way possible.

Women interested in and working in the trade union movement naturally hope that trade union discriminations against women workers will be abolished. The American Federation as a body disapproves of the position taken by some individual unions in making sex a barrier to membership. In its 1922 convention it resolved that charters should be issued direct to groups of women in any given occupation if the national or international union of that trade declined to admit them to membership. It stated that such action was necessary, as women were now a permanent factor in industry. Unorganized, they constituted a menace to the organized labor movement. This expression of the parent organization aptly sums up the historical trade union attitude toward women. Women have been admitted to unions not primarily because they have equal rights in industry with men, have equal needs as workers for the benefits of organization, and have an equal part to play in the movement, but because they have forced their way into an industry, cannot be eliminated, and outside the union constitute a danger to the male workers. Whenever the danger point to the men workers has been reached, women have been admitted to the men's unions. Even then they are seldom on a plane of equality with the male members. Sometimes they are admitted on a reduced dues and benefit basis. Sometimes they are technically on the same footing as the men but actually occupy few official positions and participate to a much less degree in the active life of the union. This is as true of the federation itself as of the separate unions. Women have been timid and reluctant to push themselves forward in organizations in which they are often comparatively new factors, in which the men often predominate in numbers and have always occupied the positions of prominence. The men would not care to turn over the leadership of "their" unions to persons sometimes admitted only on sufferance, even if the women had the necessary experience

to occupy such positions. The men's attitude toward the women workers has been animated by tradition, prejudice, jealousy, and fear that women in industry mean lower wage standards. They have been bitter against women because they have been willing to act as scabs and in this way have gained a foothold in work regarded as the province of males. Women have been difficult to organize because they are so often employed in unskilled or semi-skilled work, do not belong to any skilled craft, and are less keenly alive to a movement which may concern them directly for but a brief period.

For these reasons, while unions have helped women to improve their status in industry after they have once been admitted to membership, they have also stood as deterrents to the advance of women into new industrial fields and have tried to eliminate them from certain industries.

This objection of some men's unions to women workers dates back to the early days of industry and of labor associations in this country. The typographical societies of men early took occasion to protest against the employment of women, although printing was a trade engaged in by women from earliest times, one in which they were successful and in which the work was not too heavy for their strength. In 1832 the Typographical Society of Philadelphia strongly objected because it was rumored that one of its members proposed to employ women compositors. In 1835 a similar society heard that girls were being employed as compositors to break a strike in Philadelphia and sent a circular letter to societies in Philadelphia, Boston, New York, and Baltimore asking what joint measures could be taken to combat such an evil. The Boston Typographical Society attempted to pass a rule that no member should work in an office which employed female compositors. This attempt was unsuccessful. Later the same society, becoming convinced that women could not be eliminated from the trade, urged them to organize and promised to coöperate with them should they do so. The same prejudice to women was shown by the National Typographical Union which in 1854 adopted a resolution not to encourage the employment of women. In 1855 Philadelphia delegates to the national convention of the union were instructed to oppose the recognition of the employment of female compositors. Despite all opposition, women continued to be employed in increasing numbers and for years the woman question was a source of controversy at the union's conventions. By 1873, after separate unions for

men and women had proved a failure because the women maintained a lower wage scale than the men, women were finally admitted to the men's local unions. These unions pledged themselves to secure uniform wages for both sexes.[7]

The Cigar Makers' International Union, organized in 1851, did not admit women to membership until 1867, although the tobacco industry was one of the big employers of women. At this time both women and Negroes became eligible. This admission of the female cigar workers did not end the antagonism of the men to the employment of women. In 1901 the cigar makers offered resolutions to the convention of the American Federation of Labor expressing their opposition to the employment of women and children in "their" trade. Their objections were largely based on the fact that despite the union's efforts to secure the same wage rates for both sexes, women were usually paid less than men, and the male workers feared female competition.[8]

A more recent instance of union opposition to women workers occurred during the World War. In Cleveland and Detroit the Amalgamated Association of Street and Electric Railway Employees of America strenuously objected to the employment of women as car conductors. In Cleveland women were hired to replace the men who had entered the service. The male workers threatened to strike unless these women were discharged. The matter was submitted to the Department of Labor investigators. The decision of the investigators ordered the removal of the women. Although there was a shortage of male labor, it was not great enough to compel the employment of women, and the men and the company had a contract which forbade such employment. The women, who had not been consulted in any way, protested to the War Labor Board. They called attention to their constitutional right to work. They stated that the company admitted their faithful and efficient service, and their contracts with the company provided for dismissal only for failure to give satisfaction. They claimed that this was not a question to be settled by men employees and the company without due regard for the women who had been employed in good faith and could not be removed legally without cause.

The men claimed that the matter concerned only the union and the company as they were the only parties to the contract forbidding the employment of women. They stated that the women had been engaged in disregard of this contract. The War

[7] Abbott, "Women in Industry." pp. 251-254.
[8] *Ibid.*, pp. 205-208.

Labor Board delayed its decision, and the women were retained during the period pending its report. The men grew impatient and threatened to strike unless the women were discharged. This forced the hand of the board. It ruled that within thirty days all women should be replaced by men, and henceforth the company should employ only men. The men refused to abide by this decision and struck. The matter was finally settled by an agreement between the company and the union. This agreement provided for the removal of the women as rapidly as possible and contained a promise that no more women should be engaged as conductors. The women workers objected to this decision. They enjoyed their work. In many instances it was easier, better paid, healthier, and more enjoyable than any in which they had ever engaged. The result of their protests and those of their friends was another hearing before the War Labor Board. Unfortunately this took place after all the women workers had been dismissed in accordance with the understanding between the company and the union. This second decision of the board provided for the reinstatement of the sixty-four women conductors, dismissed because of the union's opposition. This time it was the company which did not abide by the decision. It gave, as its reason, the opposition of the union. It also stated that if the board could prevail upon the union to agree to the reinstatement of the women, the company would be glad to give them back their jobs.

In Detroit the union had an agreement with the street car companies that women and Negroes should be employed only if necessity required. A further proviso stated that all permanent employees should become members of the union. The war created an emergency need, and no objection was made by the union to the hiring of women workers. These workers, according to the custom of the company, were sent to the union to receive a permit to work. They encountered no difficulty in securing this permit, but when they applied for admission to the union after the customary ninety days, their application was refused. Shortly after the signing of the Armistice the union demanded the immediate dismissal of the women workers and refused permit cards to fifteen who had been in training for positions and were ready for regular employment. The case was appealed to the War Labor Board. The board decided that although there was then no necessity for employing women, equity demanded that those already in service should be retained until they withdrew or were discharged. The fifteen who had received training should

be given positions, but no more women should be employed by the company thereafter.[9]

All the local unions of the Amalgamated Association of Street and Electric Railway Employees of America are not so inimical to women as the above. But the international president of the association wrote the Women's Bureau, on May 13, 1920, that his organization took the position that street cars were no fit place for women to work. For this reason it had opposed their employment as conductors. At one of the hearings called to decide the fate of the women conductors, Dr. Anna Howard Shaw made a statement before the National War Labor Board which serves as an apt rejoinder to this policy of the union:

"The time has come when it is neither the right of men nor the duty of men nor justice for men to decide problems of work for women.

"When the service of the worker and of the world shall be opened to the world workers then let us be tested by our ability to render good service, and by our ability to be faithful in that service. If we fail then let us fail, but do not let us fail by the direction of men or by the direction of any group of people.

"And therefore I claim that the time has come now when we women have a right to ask that we shall be free to labor where our labor is needed, that we shall be free to serve in the capacity for which we are fitted. No human being can tell what another human being can do until that human being has had the opportunity to test himself. And so it has been with women." [10]

Women and Apprenticeship Opportunities

The opposition of trade unions to the entrance of women into their trades is an active factor in confining women to certain industries and to unskilled or semi-skilled work. As in the case of the women street car conductors, it may help to undermine the new status of women in industry. Unions which refuse women membership or are opposed to the employment of women likewise object to their apprenticeship in the skilled trades preempted by men. Sex hostility and the long apprenticeship period required by many unions serve as deterrents to young girls. With encouragement and opportunity they might be induced to devote the time necessary to learning a skilled trade instead of entering a blind alley occupation, requiring little intelligence and no skill. The employer also is often a factor in opposing the apprentice-

[9] Data regarding the women street car conductors secured from Women's Bureau. "Women Street Car Conductors and Ticket Agents," *passim.*

[10] *Ibid.*, p. 6.

ship of girls. He feels that his girl apprentice will marry, that the time spent in teaching her will be wasted, that the girl will not prove as useful as the boy who can turn his hand to many odd jobs. Custom plays its part in confining girl apprentices to a narrow range of employments. The result of these different forces is the small number of female apprentices and their concentration in the woman-employing industries. In 1920 females constituted 20.1 per cent of the total number of wage earners employed in manufacturing and mechanical industries. They comprised but 7.2 per cent of the total number of apprentices. Forty-four per cent of the female apprentices were receiving their training as dressmakers and milliners. Over 12 per cent were in printing and bookbinding. Only a scattered few were apprenticed in the building and hand trades which included a large number of occupations and had the largest number of male apprentices. Women and girls constituted over one-sixth of the persons apprenticed to jewelers, watchmakers, gold and silversmiths. They comprised one-twelfth of the persons apprenticed to architects, designers, and draftsmen and over one-thirteenth of the group listed as "other apprentices" employed in a variety of trades.

Women and Trade Schools

With limited apprenticeship opportunities, one door to skilled positions in industry is often closed to young women. The other door through which they may hope to secure entrance to the better class industrial callings is the school giving industrial training. The Women's Bureau made an interesting study in 1920 of the facilities open to women for such instruction.[11] The bureau particularly investigated the four industries in which women showed themselves especially adapted when the World War gave them wider opportunities. These industries included machine shops where light parts are made, wood-product factories where assembling and finishing are important processes, optical and instrument factories, and sheet metal shops. The survey revealed certain facts:

1. The entire emphasis of industrial education for women was placed on dressmaking, sewing for the custom trade, and millinery.

11 Women's Bureau, "Industrial Opportunities and Training for Women and Girls," *passim.*

2. In those states in which one or more of the four industries peculiarly adapted to women were important, few women were receiving training in courses preparing for those industries.[12]
3. Courses for women were limited to preparation for traditionally female occupations even in those places where there was a demand for women workers in other lines of work and the women were actually employed in such work.
4. The same efforts which were made to induce boys to educate themselves along industrial lines were not made in the case of girls.

A few instances will make these statements clearer. In Ohio there were in 1920 over fifty-three institutions giving trade and industrial courses. The majority of these schools were receiving aid from the United States government, but only five reported the enrollment of women. These five schools confined their courses to dressmaking, costume designing, dress pattern making, embroidery, power machine sewing, and pottery making. Although these were the only courses open to females, there were many women in the state employed in the machine shops and in the metal trades. The women were not prevented from attending schools teaching these and other occupations, but they were scarcely encouraged to do so. In the words of one Ohio vocational school superintendent who answered the questionnaire sent out by the Women's Bureau: "Unfortunately, we have had no courses open that were available to women. However, they have not been denied. They have not availed themselves of the privilege, since our work is all designed for men."

Buffalo had five day and five evening schools teaching metal working and wood working. The Women's Bureau found that these were men's courses. Women were admitted only to a course in photography. Rochester reported three day and three evening public vocational trade schools. These schools had women pupils, but all of them were receiving instruction in dressmaking and millinery only. Of the sixty-eight public industrial schools of New York State, women were enrolled in but eleven. Male pupils were reported in sixty-five.

In Pennsylvania there were forty-seven trade schools under state supervision for men and boys. These schools taught a variety of trades, among them those in which women are particularly adept. Only five schools were maintained for girls.

The public vocational trade schools of Chicago offered courses

[12] These states comprised Wisconsin, Ohio, Michigan, Illinois, Pennsylvania. New York, Connecticut, Massachusetts, and Rhode Island.

in machine shop practice and other kindred subjects to men and boys, but the girls were taught sewing, dressmaking, millinery, and glovemaking.

Connecticut had twenty public trade schools. These schools gave such courses as machine-shop practice, tool making, blue print reading, mechanical drawing, pattern making, etc., to men and boys. Girls were taught the clothing trades and bookbinding.

Even during the war when there was a demand for women in many new occupations, the industrial training given them by the public training schools was largely confined to preparation for the traditional woman occupations. The comparatively few schools which did broaden their training to include many of the subjects taught to boys were semi-public and charged a small fee for instruction.

The annual report of the Federal Board of Vocational Education for 1923 called attention to the narrow field of industrial training open to women. It stated that this training was obviously inadequate considering the trend of woman labor from the woman-employing industries into wider fields and the fact that women had taken advantage of new courses when they had been offered to them. The report pointed out that the usual fate of the girl to-day was to enter industry young and unskilled. She had little opportunity for advancement and was forced because of home residence to accept any job offered by the local market. It stated that an enlightened public opinion was necessary if women and girls were to be reached with a program for vocational education and recommended the extension of training opportunities for women.

Even were women's opportunities for employment as circumscribed to-day as they were before the war, there would be no legitimate reason for limiting their chances for industrial training. While this is done, their choice of occupation and their possibilities for advancement into skilled and responsible positions will always be less than men's. The bettered position of women in industry creates a still greater reason for giving women the same educational opportunities along industrial lines as are given to men.

XV

THE DISCRIMINATIONS WOMEN ENCOUNTER IN THE ECONOMIC WORLD

(*Continued*)

Low Rate of Pay of Women Workers

With limited opportunities for industrial training and forced to encounter the opposition of some trade unions, women's chances to occupy the skilled positions in industry are circumscribed. Still largely ununionized, their bargaining power is low. They are also compelled to meet the competition of some members of their sex who do not actually need to work and are willing to accept a small sum to piece out their living. They are sometimes handicapped by their attitude toward their work. Each of these factors helps to lessen the earning capacity of female workers. Precedent and prejudice operate to lower the demand for their services and to confine them to the traditional woman-employing industries. The supply of women workers in these industries again decreases the demand for their services and hence their wages. "The price paid for any particular grade of labor is determined by the relation of the supply of that class to the demand for it." The opportunities and variety of occupations open to women are not only fewer in industry but in government service and in the professions as well. Most of the factors which operate to lower their wages in the one type of work are present in the other types. Certain occupations practically preëmpted by women pay especially poor wages.

The Women's Bureau made studies of women wage earners employed in several of the states in manufacturing, in offices, in department stores, hotels, laundries, telephone exchanges, etc. In some of the occupations women have practically a monopoly. These studies were made during 1920 when wages were on the whole exceptionally high.

In Kansas an investigation of the wage records of more than 4,300 women for a representative week showed almost 20 per cent receiving less than $9.00 a week, more than 50 per cent less than $12.00 a week. The women working in the meat-packing industry

were better organized than the other women workers and received the highest wages. Half of them earned $17.50 or over. Office workers received a median wage of $13.55. Fifty per cent of the clerks in the 5-and-10-cent stores made less than $8.10.

A more adequate idea of the mean earnings of a group of workers can be secured by ascertaining their annual earnings. A twelve-month period allows for the unavoidable deductions caused by the vicissitudes of life—sickness, accident, unemployment, wage cuts, fines. The annual wage of 1,077 Kansas women was obtained. Twenty-eight and six-tenths per cent of them received less than $600.00; 42.2 per cent earned from $600 to $900; and but 29.2 per cent made over $900. These low wages become more striking when the dependents and home responsibilities of the workers are considered. Thirty-five per cent of the women contributed all of their earnings to the family, 36 per cent contributed part of their earnings, and but 24.8 per cent contributed nothing.[1]

A similar study in Rhode Island covered 70 establishments where 10,350 women, or one-third of the total number of workers, were employed. The wage scales for a representative week were found to be higher than those in Kansas. Half the women received over $16.85, half under that amount. Wages were highest in the rubber industry with a median of $20.70 and lowest in the 5-and-10-cent stores where half the girls made less than $11.90. The annual wage for a small group of 617 workers who had been steadily working at the same job for at least a year was likewise determined. Approximately 44 per cent of this group received $800 or less. About 56 per cent made over that amount. No woman was making as much as $1800 a year. Only 4 made $1600 and under $1800, while 54 made $600 or less.[2]

Other studies of the Women's Bureau included Georgia, Virginia, Kentucky, Iowa. They revealed inadequate wages, long hours, and poor working conditions for large numbers of working women.

In Georgia a survey was made covering some 10,000 women. The median wage for a representative week received by the white women in the group was $12.20. That received by the colored women was $6.20. The annual wages disclosed an even lower rate. One-half the white women made less than $748 a year, and one-

[1] Women's Bureau, Bulletin No. 17, "Women's Wages in Kansas," 1921, *passim.*

[2] Women's Bureau, Bulletin No. 21, "Women in Rhode Island Industries," 1922, *passim.*

half the colored less than $413. These low wages were combined with long hours and poor sanitary conditions. Practically 74 per cent of the total number of women worked 55 hours or more a week. Dirty rooms, unguarded machinery, unsanitary and inadequate drinking, washing, and toilet facilities were found in many of the plants.[3]

In Kentucky some 8,800 white women and 1,100 colored women employed in 149 establishments were studied. Half of the white women, a large number of whom were working ten hours a day or over, received less than $11.05 a week. Half of the colored, working the same long hours, made less than $8.30 a week.[4]

A special investigation was made of a representative group of 59 women in Virginia. Most of them worked in the cigarette factories and textile mills. Thirty-seven of this group were responsible for the total or partial support of other persons. Their wages were low. Four workers, having from two to five dependents, made but $10 to $11 a week. Two young girls, the sole support of their mother and four grandchildren, received only $7.50 and $11 respectively. The remaining 31 made from $10 to over $20, but only five were included in the upper part of the wage scale. Half of the entire group of women earned less than $15.07.[5]

In Indiana the average weekly wage for the fiscal year ending September 30, 1922, was $12.88. This figure was obtained by the industrial board of Indiana and was based on information procured from women injured in industry and seeking compensation.

The vast difference between the wages of men and women in industry is shown by a study made by the Women's Bureau of 2,200 men and women employees in Manchester, New Hampshire. Of the men 44.9 per cent earned $25 or more a week; of the women only 1.6 per cent earned more than that amount. Approximately one-fourth of the daughters and two-thirds of the sons in a family received $17.50 or over. Almost seven-tenths of the fathers and under 2 per cent of the mothers earned over $25 a week. The same conditions existed in regard to annual earnings. Less than one-tenth of the women and over six-tenths of the men received more than $1,000 a year. The great differences in

[3] Women's Bureau, Bulletin 22, "Women in Georgia Industries," 1922, *passim.*

[4] Women's Bureau, Preliminary Report, "Hours, Wages and Working Conditions for Women in Kentucky," 1922, *passim.*

[5] "Hours and Conditions of Work for Women in Industry in Virginia," 1920, *passim.*

wages were not due to greater irregularity at work on the part of the men and women, for similar discrepancies were found for those men and women who had worked throughout the year. The women lost more time than the men but the reasons for this loss were substantially the same for both groups. The women held the same positions throughout the year as often as did the men, but on the whole the women had less experience in their work. Still it was not this lesser experience which lowered their wages, for when groups of men and women with similar experiences were considered the same discrepancy in earnings existed. Moreover both sexes had been working continuously for almost equal periods of time.[6]

The difference was probably due in part to a variety of factors. But much of it can be laid to wage rates based on sex and the greater opportunities open to men for training and advancement. The Women's Bureau reached this conclusion in regard to the different rates of pay evidenced in the Manchester study: "The difference in earnings, therefore, seems to be one for which allowance must be made for every type of man and woman. Whether they are old or young, experienced or inexperienced, steady or intermittent workers, the women earn less than the men."

Discussion of Lower Pay for Women Than Men

The main arguments generally employed against paying women the same wages as men are three: they do not do as much work or as good work; their standards of living are lower; they have not the same family responsibilities.

Not as Good Work? The fallacy of the sweeping statement that women's work is not the equal of men's becomes evident when the record of women's achievements during the war is considered. In many instances the women were without experience and had practically no opportunity for training other than that furnished by the employer. Despite these factors the work of over three-fourths of those women studied was equal to and in some cases better than the men's. Were men and women paid an equal wage for a certain type of work regardless of sex, were they given equal opportunities for training and an equal chance to secure employment, there would be some fair standard by which to judge their comparative abilities. Those men or women who did not make good would lose their jobs or be transferred to work com-

[6] Women's Bureau, Bulletin No. 30, "The Share of Wage-Earning Women in Family Support," 1923, pp. 17-18.

mensurate with their powers. The able would have a chance to prove their abilities without the handicap of sex discriminations. Women are admittedly more efficient on certain types of work than men. Yet even in the work for which they are actually better adapted, tradition has usually fixed their pay at a lower rate. All sorts of reasons and excuses are offered to hold women to the lower wage. A case brought up before the chairman of the labor adjustment board in the Rochester clothing industry illustrates the point at issue. The union claimed that a woman top collar baster in a certain shop was producing the same amount of work as the men in the shop but was receiving lower pay than the men who were being paid the scale wages. Certain arguments were made by the labor manager against raising the wages of this woman who was admittedly producing as much as the men. It was asserted that the practice of the market was to pay women less than men on scaled operation on the *assumption* that they did not produce as much. It was claimed that the men in this particular shop were exceptionally slow workers. While no standard had been set for that shop, if such a standard were set, it would be higher than the average production of the workers in the shop.[7]

The argument is not convincing. The woman's production was equal to the men's. Since this was the case there could be no good reason for paying her less. If the men were not up to the work, were slow and below average, why should they continue to be paid the scale? Why in 1921, a period of unemployment, when labor was plentiful, should such "slow" workers be retained? It seems doubtful that all the men top basters in that particular shop would be slow. Indeed, the case has the aspect of an attempt to offer a poor excuse for sex discrimination.

Fallacy of "Equal Pay for Equal Work." "Equal pay for equal work" has been widely accepted as a panacea for wage discriminations based on sex. But this catching phrase seldom works out in the manner intended by its makers. Equal work is interpreted in different ways by different persons. Some people hold equal work to be the equal amount of time and effort put into the work. Others claim it to be a definite production of goods. Such production is in many instances difficult or impossible to measure, and the claim can be made that the woman's does not equal the man's. Some persons maintain that equal work means equal production on identical machines for identical processes or

[7] Labor Adjustment Board, Rochester Clothing Industry, Case No. 644, December 27, 1921.

on an identical type of work. Some slight change in the machine or the process or some slight degradation of the job can be made easily when the woman is hired for the position. It can then be claimed that her work is not equal to that of her male predecessor, is not the same, not so responsible or complete, and so should not receive as high pay. A fourth way of avoiding the issue is to assert that equal work means production of a product equal in value. The woman does not produce such a product because her cost to the employer is greater. Perhaps he has had to furnish seats, put in additional toilets, rest rooms or lunch rooms when he has added women to his heretofore male force. Perhaps he must keep his plant cleaner, must install new safety or ventilating devices. For the cost of these additions he holds his women employees wholly responsible, even though the men may profit from them as well. The new equipment, having a large initial expense and demanding a certain sum for upkeep, is charged to the account of the women wage earners. From their production, this sum is deducted. Were their work equal in amount with the men's, it would not be equal in value after the amount they have cost the employer is deducted. Thus they are paid lower wages.[8] It is claimed that the woman has less potential value than the man. While she may do the particular task assigned as well, she could not be transferred as easily to another job. The greater versatility of the male, due to his wider opportunity for mechanical training and his different upbringing in childhood, are said to make him more valuable. This plea was made by the English government as the reason the women whom it employed as lift attendants should not receive the same rates of pay as the men they replaced. It was claimed that, whereas the men could repair the machinery of the lift should there be a breakdown, the women could not and so were worth less as employees. When evidence was later produced showing that the male attendants were forbidden under penalty to ever touch the machinery of the lift or to repair it in any way, this argument lost its potency.[9]

"Equal pay for equal work" is too open to evasions and to a variety of interpretations to be of real value to women workers. They should stand for a minimum living wage varying with the type of position. This wage should take no account of the sex of the worker. It should afford any person who did a full day's work a decent livelihood sufficient for food, clothing, and some

[8] Webb, Mrs. Sidney, "The Wages of Men and Women Should They Be Equal?" pp. 21-24.

[9] *Ibid.*, pp. 36-37.

of the comforts of life. It should provide for the vicissitudes of life such as unemployment, old age, accident, and sickness unless these were cared for by some form of compulsory insurance. Efficient workers would receive above the minimum according to their ability and without regard to sex. In other words, personality, skill, steadiness, conscientiousness, willingness, industry, and the other attributes of a good worker should determine his or her wage after a wage minimum had been set by a trade agreement or by law for a particular type of work.

Lower Standard of Living? A woman's standard of living is ordinarily as high as a man's. If she does not eat quite as much, her clothes and sometimes her lodgings cost her more. If single, living with her parents, she contributes either in money or service or both to the home. The man who prefers to give household labor in his free hours rather than money is at liberty to do so. He would regard as decidedly unjust any arrangement, made by employer or government, to lower his wages on the ground that he was living at home with relatives or parents, need contribute only his services to the family, and so did not require the same wage as the man living independently. Because a girl lives at home is no legitimate reason for paying her a lower wage on the plea that her expenses are less than a man's. Such a practice often results in the girl or woman receiving such a small amount that even when she gives some board at home or contributes her entire earnings to the family she is compelled to give part of her services. This lengthens her working day, saps her strength, lowers her production in industry, and makes competitive effort with male workers difficult or impossible to maintain.

Few Responsibilities as Breadwinner? The third argument offered to establish the men's right to a higher wage than women is their greater responsibility as breadwinners. Yet, if a wage is to be paid sufficient to maintain dependents, it should be paid according to the number of dependents, not according to the sex of the worker, regardless of her or his actual responsibilities. The average number per family in the United States is four plus. This average number does not mean that the majority of families have from four to five members. It means that some have two, others seven or eight.

Many male workers receiving men's rates partly because of supposed families have no families. The 1920 census showed that 35 per cent of all men in the United States were single. Presumably the same proportion would apply to all male wage earners. Many married men have no children. Still others have

one or two children. Some have families far exceeding five. Some are part of a family in which their wives and often their children are working and contributing to the family budget. The supposed dependent family of five adhering to every man worker is a nebulous affair. Such a unit on which to base a wage rate for every male, be he unmarried with no dependents, married with only one or two, the father of ten small children, or the unmarried brother striving to support a group of orphan brothers and sisters below the working age, is utterly unsatisfactory and uneconomical. It does not do away with poverty, nor does it answer the purpose of providing the American worker and his family with a sufficient wage to maintain a decent standard of living.

Equally unjust is the practice of giving women lower wages than men on the assumption that they have no dependents. The 1920 census indicated that practically one-fourth of the women gainfully employed were married, and the number of married women wage earners was evidently increasing, for in 1890 but 13.9 per cent were in this group. The studies made by the Women's Bureau disprove the contention that women wage earners are relatively unimportant to the maintenance of the family and indicate that the responsibilities of bread-winning women are much greater than is generally assumed.

The sources from which the Women's Bureau drew its facts covered investigations of the bureau itself, investigations of federal agencies, state agencies, and miscellaneous organizations.[10] Some of the reports were comprehensive, others less inclusive. Some were special and pointed, others merely touched on the subject. In all, however, they afford a fairly comprehensive body of data from which to draw conclusions. They cover large numbers of women workers in a variety of occupations, from teachers and librarians to girls over sixteen employed in industry. The majority of the women were unselected groups working in representative woman-employing industries in states or smaller localities. The studies were made as early as 1888 and as late as 1922.

The large majority of women, included in the studies, were living at home. The investigations covering this point showed more than one-half of the women contributing all of their earnings to the family. The significance to the family of such contributions rests on the amount of the wage and the resources of the family. But to the wage earner, herself, giving all her earnings means a practical cessation of economic independence.

10 "The Share of Wage-Earning Women in Family Support," *passim.*

Single women are in the large majority of women wage earners and the great bulk of them live at home. This is one of the reasons why the economic significance of women to the family has been so generally underrated. It has been widely assumed that instead of contributing to the family, these women were partially supported by the family. The data secured by the Women's Bureau showed this assumption to be false in the vast majority of cases.

In several of the investigations figures were secured to show to what extent the families were dependent on the earnings of single women. In one investigation over three-fifths of the women were living with their parents and of this number 3 per cent were the sole breadwinners, approximately one-fourth were one of two breadwinners, and slightly over seven-tenths were one of three.[11] Another investigation showed that one-third of all the single women living at home were the only working members of their families.[12] In still another the majority of women included were known to be single and 46.4 per cent of them were the chief breadwinners in their families.[13]

The bulk of married women in the studies in which this information was ascertained were contributing all their earnings to the family. The proportion of this contribution depended on the number, relationship, and earnings of all the contributors in the family. The married woman's contribution was in general small, but her earnings were essential to the family's maintenance. The number of married women at work varied with the locality and type of industry. A highly industrialized community with a large foreign-born population ordinarily meant more wage-earning wives and mothers. In the Manchester study slightly less than one-seventh of the women breadwinners were wives and mothers. In an investigation of the federal government made in 1907-1909 of women and child wage earners and covering some 8,700 families, about one-fifth of the mothers were wage earners.

[11] Women's Bureau, study of census material on the family status of wage-earning women in Passaic, N. J., 1920-1922, unselected bread winners, 9,769 women included, data secured by home visits and personal interviews.

[12] Connecticut Bureau of Labor, study of conditions of wage-earning women and girls in Connecticut, 1915-1916, unselected, employed in various industries, 8,722 women included in the study.

[13] Louisiana Council of National Defense, survey of conditions of women's work, 1918-1919, 5,202 women included, data secured by personal interviews. The period during which this study was made, when many men were still in service, probably accounts for the large number of women who were the chief breadwinners in their families.

In Passaic, New Jersey, a highly industrialized community with a large foreign population, 9,800 women or nearly one-half of the females over fourteen years of age were wage earners. About 50 per cent of this group were or had been married.

In considering the woman in industry, it must be remembered that large numbers of women both married and single have in addition to their outside work, home work as well. In Passaic about three-fourths of the married woman breadwinners had children and over half of these mothers were employed outside the home. Nine hundred, most of them foreign-born, had children under five years of age. A representative group of 522 mothers were the subject of special investigation to determine what care the children received during their mothers' absence. About one-fifth of the mothers worked at night. During the day when they were not sleeping, they took care of the children. One-fifth left the children with relatives. The husbands of over one-tenth of the women, "kept an eye on the children." These husbands were night workers, were unemployed, or worked at home. Over one-fifth of the mothers left the children to look out for themselves. The children of school age were in school part of the day. Those under school age had only the care of some older child. Four hundred and nineteen of the 522 mothers not only worked outside the home, but cooked, cleaned, washed, and cared for the children as well.

A study of some 5,000 women workers made in Kansas by the Women's Bureau showed that over four-fifths of the workers were living at home. Personal interviews revealed the fact that the majority of the women were making a service contribution in addition to their money contributions; and their long hours of outside work were increased by responsibilities of housework, care of the sick, care of children, and supplementary work to increase the meager wage earned in factory or store.

Earlier investigations indicate the same general facts. In 1894 a study in Indianapolis of the home responsibilities of wage-earning women showed that three-fifths of the women did some sort of home work in addition to their outside work. Of the two-fifths who did no housework, approximately one-third were boarding away from home where they presumably were free of such demands.[14]

In 1888 an investigation of the United States Bureau of Labor

[14] Indiana Department of Statistics, study of home responsibilities of wage-earning women in Indianapolis, 1894, unselected and employed in representative occupations, 500 women covered, data secured from personal interviews.

covering working women in large cities showed that of the some 14,900 women living at home over three-fifths helped with the housework.

A study by the Russell Sage Foundation, published in 1914 and comprising 370 mothers, stated clearly the situation in regard to mothers doing outside work under existing conditions:

"Why were these women wage earners? How many of them worked because they must and how many for other reasons? There was one inevitable conclusion which resulted from the analysis of economic conditions in their homes. It was that not one of the mothers could afford not to earn. . . . Their children would have suffered seriously had they failed or refused to earn. Small as were the wages of their unskilled occupations, the amount . . . played an important part in a family budget correspondingly small. Moreover, they were found to be doing all their own housework before and after their wage-earning hours, instead of paying others to do it for them. By overworking themselves they had made their earnings clear gain for their families."

Though the recent data on this subject are scarce, the wage-earning woman's service contributions are generally recognized. The woman's burden is greater than the man's. In the majority of cases it may be assumed with a fair degree of certainty that wage-earning women give to the family not only of their money but of their services as well and that they have a far greater responsibility in regard to the housekeeping than have the men. Does this greater liability to household burdens mean that women give proportionately less of their income to the home than do men?

There is a dearth of comparative data regarding the family responsibilities of men and women. In a study made in Manchester by the Women's Bureau such material was secured for some 2,200 men and women. As the men's wages were much greater than those of the women, they were able to give more in actual money. Relationship had a far-reaching effect on the proportions of the contributions made. Practically all the husbands and wives or fathers and mothers gave all of their earnings. The single men and women, the majority of whom were sons and daughters, did not contribute so extensively. As the wage-earning fathers far outnumbered the wage-earning mothers, the potential group of males who might be expected to contribute all their earnings was greater than the potential group of females, and this factor raised the contributions of the males. When the

wages and relationship of the men and women were similar, as they were in a few selected groups, the women were shown to be making greater contributions than the men. When the length of time over which the contributions were made was considered, about three-fifths of the women and one-half of the men had given their entire earnings to the family throughout their working career. Most of the single men and women were sons and daughters living at home. Approximately one-third of the sons and practically three-fifths of the daughters gave all their earnings to the family. The sons with their sex advantage and greater opportunities earned more than the daughters, and their potential value to the family was greater. But the daughters gave a so much greater share of their actual earnings that their economic importance to the family was approximately the same. Their sacrifice was greater than that of the sons, for the latter more often retained for themselves a part of their earnings and with them a wider measure of independence and opportunity for self-advancement.

In the study of women and child wage-earners, the contributions of the women in each of the four industries investigated consisted of a larger portion of their earnings than did those of the men. The women's contributions nearly equaled their earnings, the men's amounted to about four-fifths of theirs.

In a special study of 1,095 Italian women workers in New York City, it was found that 87.2 per cent of the fathers, 85.6 per cent of other male, and 91.3 per cent of female workers over fourteen years of age, not including the mothers, were contributing to the support of their families. Over 54 per cent of the mothers were making a financial contribution to the family.

A survey of the cost of living made by the Bureau of Labor in 1918 and 1919 was a study of selected families. No family in which the children were working was included unless they were giving all their earnings to the family. Over nine-tenths of the sons and over eight-tenths of the daughters were wage earners and were giving all their funds to the family. Less than three-tenths of the family income was derived from the daughters in slightly under seven-tenths of the families and from the sons in six-tenths. Considering the discrepancy in wages received by men and women, it is surprising that this difference was not greater.

Welfare Laws for Women in Industry

Though the evidence given does not form a complete picture of the responsibilities of bread-winning women throughout the United

States, it is sufficient to show that large numbers of women are supporting others besides themselves. It challenges any assumption that women, as a class, have no family responsibilities and can be given wages insufficient for a decent livelihood on the presumption that all they need is pin money. It shows that many women in addition to long hours of work outside the home must labor in the home as well and that the care given the children of such women is ordinarily slight. It raises questions as to the temptations, the hardships, the suffering, which such conditions create. It presents a knotty problem for society to solve. It is a problem which by no means finds solution in state laws limiting hours of work, improving working conditions, or setting a minimum wage admittedly a woman's wage based on the minimum standard of living of a single woman. Such laws are usually made to embrace all women on the theory that by protecting the potential mother the race is benefited. It is significant that this protection is provided only in gainful employments. No effort has yet been made to regulate or safeguard the working conditions and hours of women in the home. Yet as the vast majority of child-bearing women are engaged in home work, this constitutes the real need toward which humanitarian efforts should be directed. In industry a limitation of the hours of work for women without a similar limitation for men may constitute a possible handicap to the women. Science has yet to offer conclusive data showing any peculiar sex need for shorter hours or a prohibition of night work for most women in most industries. On the other hand, a reasonable day's work under sanitary, safe conditions in moral surroundings is a necessity for both men and women and should be insured to both, whether in industry, other fields of work, or in the home.

Women in Government Service

That women should be paid lower wages than men, have limited opportunities, be subjected to sex discriminations in industry can be more easily explained than the limitations they meet in government service. Females form one-half of the population, a half presumably equal in importance to the male half. At least one-fifth of them must or desire to work. A democratic government of the people, by the people, and for the people cannot honestly refuse them equality of opportunity in government service unless they are insufficiently trained or unfit mentally or physically for the positions to be filled. Women, through the ballot, can elect

other women to office. In this way they can secure some active part in the administration of national affairs, but in 1924, four years after women had secured the suffrage, comparatively insignificant numbers had been elected to office, partly because of the political machine, partly because of their lack of solidarity, partly because of sex prejudice. No women had been appointed to important posts in the federal government except in work directly affecting women or children. A woman president, cabinet member, judge of the federal courts, ambassador, consul, or diplomat had yet to make her début. It can be safely said that women's opportunities in government are insignificant. Would it be equally safe to claim that the reason lay in feminine inferiority or is it because "woman's place is in the home"?

Civil Service. In competitive civil service, which controls most of the minor government positions, women meet with similar discriminations. A study made by the Women's Bureau of women in the government service showed that up to November 5, 1919, the practice of the Civil Service Commission had been to open examinations to one sex or the other or to both sexes according to the preference expressed by the head of the department which needed workers. Such a custom resulted in positions of certain types being open to but one sex, for eligibles to those positions were used not only by the bureau making the call but by every other bureau desiring similar service. While the examinations were sometimes open only to women and men were excluded, in the great majority of instances the opposite was true. This was particularly the case in the higher paid, better class positions. From January 1, 1919 to June 30, 1919, 37.7 per cent of the examinations were open to both sexes, 2.7 per cent to women only, and 59.6 to men only. In scientific and professional positions, women were excluded from examination in over 64 per cent of the positions, in mechanical and manufacturing occupations they were barred from 87 per cent. Clerical tests were open to them except in seven instances.

By a ruling of the Civil Service Commission after a report on this condition had been made by the Women's Bureau, all examinations were opened to both men and women, November 5, 1919. Specification of the sex desired when requesting a certification of eligibles was still left to the discretion of the appointing officer. As the appointing officer was ordinarily a male and as tradition, custom, and sex prejudice were likely to influence his choice, a bill was proposed in the Senate providing that sex should no longer be specified by nominating and appointing

officers unless sex was actually a physical barrier to the proper performance of the work.

The measure would doubtless have helped to eliminate many of the inequalities now existent in civil service had it not met with an early demise. Even its supporters could not urge its passage when the results it would produce were called to their attention. Congress had passed a veterans' preference bill giving ex-service men preference over all other persons. Under this bill veterans could qualify with a mark of 65, civilians with 70. The former were given preference in appointment. Under such circumstances, if the appointing officer were prevented from stating which sex he preferred, women would have still fewer opportunities in civil service positions for many years. There were approximately 4,000,000 ex-service men. Each had a right to qualify for civil service positions at five points lower than any one else. Each might be given preference in appointment.

The study of the Women's Bureau and hearings before the House and Senate committees relative to reclassification revealed certain sex discriminations which prevailed in the civil service. Women were concentrated in clerical positions. Ninety-one per cent of the 4,689 women appointed to civil service posts in January and February of 1919 were appointed to such positions. This concentration had little to do with the actual number of men or women passing the examinations. For instance in the first six months of 1919 but 59 per cent of the persons passing clerical examinations were women, yet they received 72 per cent of this class of appointments. Twenty-four and five-tenths per cent of the successful applicants for filing and cataloging positions were women, but they filled 84 per cent of the vacancies. They were given 86 per cent of the positions in which various office appliances were used though they passed only 81 per cent of the examinations. The opposite was true of the higher class appointments in which special education was required. Although 30 per cent of those eligible were women, they received only 15 per cent of the appointments.

Women were not only concentrated in the lower type positions but they were paid less throughout the scale than men. Administrative officials refused in some instances to promote them to responsible executive and professional positions and in some departments fixed an arbitrary salary as the maximum which any woman might receive no matter what type of work she might be doing. This salary averaged about $1,200 to $1,800. Entrance

salaries for women averaged $200 less than entrance salaries for men.

One of the aims of the Classification Act of 1923 was to right some of the discriminations against women in the civil service. This act created a personnel classification board to be composed of the heads of certain bureaus or their alternates and a representative of the Civil Service Commission. Provision was also made for detailing to the board at its request other persons possessed of special ability in classification and allocation of positions to serve temporarily under the board's direction. The act provided for the classification of civil service positions and the establishment of duties, qualifications, and compensations for the various classes and grades determined upon. It provided that in determining the rate of compensation to be paid an employee the principle of equal pay for equal work irrespective of sex should be pursued. One of the main purposes of the act was to extend the merit system for promotions and ensure more equitable conditions for civil service employees. The administration of the act by the Personnel Classification Board received considerable criticism. The board was accused of failing to carry out the spirit and purpose of the measure.

Such an act should do much to better the position of women in civil service, but in 1924 it had failed to fulfill completely its possibilities. Women were not represented in the Personnel Classification Board proper. If the interests of the women employees were to be adequately cared for, it would seem necessary to have a proportionate number of women on the classification board itself and among those delegated to the board for temporary service.

In the hearings before the house committee investigating the work of the board in relation to the classification law, the women's committee for reclassification of the civil service representing eight nation-wide women's organizations filed a statement with the house committee. This statement among other things charged the classification board with:

1. Rating the Women's Bureau, Children's Bureau, Bureau of Labor Statistics as minor bureaus, while the various services dealing with animal and insect life were given the scientific classification to which they were entitled and much smaller bureaus were classified as major with a higher salary schedule.
2. Denying the staff of public health nurses either a professional or scientific classification.

3. Classifying groups of women doing high-grade work identical with that of men under different titles and with lower pay than men.

Women in Professions

Though women have made remarkable progress in the professions, considering the comparatively short time they have been able to secure the necessary education, their opportunities in this field as in the government service remain circumscribed. While prominent medical schools have admitted women in the last thirty years, they are still excluded from a number of schools. Their opportunities as teachers of medicine are much less than men's. In appointive positions, they are likewise at a disadvantage. Statistics for the American Medical Association Directory for 1921 showed only 40 general hospitals which admitted women internes out of the 482 approved for interne service. But 13 of the 26 hospitals for the insane and only 15 of 102 other special hospitals which afforded special training for internes admitted women to such training. Women were not appointed as superintendents in the state hospitals, though they might be made assistant superintendents. In civil service, male physicians were usually preferred in salary, positions, and promotion, even when females received a higher civil service rating.[15]

Women lawyers are excluded from two of the most important law schools in the country, Harvard and Columbia. Men are ordinarily given preference as teachers of law. In general the most remunerative and important law positions in the state and federal government fall to men, though a few women have been appointed as assistant attorney generals and assistant United States attorneys.[16] That this condition does not deter women from studying law is evidenced by the 1920 census report which shows the number of women lawyers to have increased three-fold in the last ten years.

Women have always constituted the main support of the church and have been zealous workers in religious affairs. Probably women, as a sex, are more religious than men. Yet they have been quite generally denied the Protestant ministry and are not yet allowed to become clergymen in all branches of the Protestant faith. They are entirely debarred the Catholic priesthood. They cannot become Jewish rabbis. Despite these sex barriers, the

[15] National Woman's Party, "Equal Rights for Women Doctors," *passim.*
[16] *Ibid.*, "Women Lawyers," *passim.*

number of women clergymen in those sects in which they are accepted has more than doubled in the last ten years. But they still form but 1.4 per cent of the total number of ministers.

The number of women teachers is constantly increasing. The demand for women to teach the grade schools has always been large. They have long been important factors in high schools. Their advent into colleges has been more recent; but their numbers are rapidly growing in the higher branches of learning. In 1910, there were 2,958 women and 15,668 men employed as college presidents or professors. In 1920 the number of women had more than tripled.[17]

While women form the great body of teachers, they are frequently paid a lower wage scale in school and college and have less chance for promotion. Married women are quite generally discriminated against in public schools, both in salary and in opportunity to secure employment. Female college teachers find the doors of most of the purely men's colleges closed to them, male teachers only being employed. The same condition does not hold true in women's colleges, where both men and women are engaged as teachers. The result is a restricted opportunity for women teachers and a narrower choice of instructors for male colleges, a choice limited by sex rather than ability.

Distribution of Women Workers in Economic World

The relative proportion of women in the entire professional group had increased from 43.3 per cent in 1910 to 47.4 per cent in 1920. The increase was not only marked in teaching, law, and the ministry but also in nursing, library work, literature, drafting and designing, etc.

The professions were not the only great occupations to show a change in the numbers of women. The general distribution of women workers throughout the nine divisions listed in the census of 1920 showed a general shifting. There were relatively fewer women in domestic and personal service. Thirty-one and three-tenths per cent of the women workers were so employed in 1910 and 25.6 per cent in 1920. There was a large increase of women in the clerical group, from 7.3 per cent of the total number of women workers in 1910 to 16.7 per cent in 1920. There were 2 per cent more women employed in trade in 1920 and 1.2 per cent

[17] These figures probably include some teachers in schools below collegiate rank.

more in transportation. The per cent of women employed in manufacturing and mechanical industries remained almost constant, while their numbers and per cent showed a large decrease in agriculture, forestry, and animal husbandry.[18]

Women form an integral part of the industrial and professional life of the nation. They have always worked but only in recent years have many of the avenues to a variety of occupations been open to them. To-day they still have not secured equal opportunities with men. Because of the sex line, they have been unable to prove their ability. No comparison can be justly made between the sexes while they receive a different education, are given a different set of ideals, and one encounters artificial limitations never experienced by the other. Men have made their progress through coöperation and solidarity. Women are only starting to learn the meaning of these words. Experience has shown that when one race benefits at the expense of the other, yet cannot exterminate its weaker brother, it is constantly retarded and held back. If this is true of race, is it not still truer of sex? Woman is the mother of the race. Her strength is its strength, her liberty its liberty, her progress the progress of humanity. Can either sex advance to its fullest development unless each is allowed the same opportunity, neither sacrificed to the other?

[18] Decrease can be largely explained by the fact that the 1920 census was taken in January, a month in which many farm laborers, both men and women, were unemployed.

XVI

EQUALITY THROUGH ECONOMIC INDEPENDENCE

The question of whether equality for women is desirable is one of individual opinion, but the movement for equality is the feminist movement of to-day. This is the object for which the leaders are striving. Can equality be secured without economic independence? Can economic independence be gained without a change in the performance of household labor? Can it not be said safely that woman's dependence on man, her inferior position in the conduct of world affairs, is largely caused by his control of the finances, and her concentration on duties in the home?

The question of how women can secure equality without injury to the family is difficult to solve. With the strong force of social custom and tradition demanding that sex shall determine which party to a union does housework and which is employed outside the home, with nature decreeing that the burden of child bearing shall fall on the woman—the woman's presence in the home is looked upon as well-nigh indispensable.

Three Viewpoints

Three views of the matter can be taken. Woman should remain in the home dependent on man; she should remain in the home but be rendered more financially independent; sex should no longer be the determining factor in the duties to be performed at home or in the world.

"*Woman's Place Is in the Home.*" Persons having the first viewpoint hold that women should be given a certain measure of equality and should be allowed their widest development. But when a woman marries she should be willing to give up a worldly career. Home, children, husband are a career in themselves. If these do not satisfy, the woman had better remain single. Woman needs the protection which marriage affords. Household labor is lighter work than the average outside employment. It is better suited to woman's physique and possibly to her mentality. The

mother's presence in the home is necessary to the child. Family life would be endangered were both man and woman free to follow their chosen pursuits, were both financially independent. Since one must stay at home, must be dependent on the other that the family be more closely knit together, that one should be the woman.

Married Women Should Remain at Home, But Should Be Made More Independent Financially. Persons with the second viewpoint would keep the mother in the home and make her position more secure legally and financially. This might be accomplished in several ways. Two suggestions which could be adopted are the payment by society of a graduated salary to all mothers; the legal requirement that the family income be divided in an equitable way between husband and wife.

Government Salary to Mothers. Society owes the woman something as the mother of the race. If motherhood means that women as a class must be limited in worldly opportunities, they should be compensated for this limitation and rendered as free and independent as possible. There is nothing more essential to the state than good citizens. They are the state. Through them it is perpetuated. If the majority of the people believe that one element of the population must devote the greater part of its life to bearing and rearing the individuals which comprise the state, then they should compensate that element for its service. This compensation would logically be made through their representative, the government.

It would vary according to the numbers of children in the home. After a reasonable number of children were born, from three to four, the salary would remain stationary. The burden on the government would be large but could be met by greater taxation which would be returned in increased amounts to those families raising the state's citizens. Records of births and compulsory doctor's reports as to the physical and mental condition of children born in the different families would give data as to those parents who were obviously unfit because of physical or mental defect to have children. Measures would then be taken to prevent these persons from continuing to produce undesirables. No salary would be paid in such cases. The offspring would, in all probability, devolve on the state for care; and the woman would be free to engage in some other pursuit.

Legal Division of Family Income. If government pay for mothers seems unfeasible, the second proposition remains. The husband could be legally required to give his wife one-half of all

surplus earnings after the amount necessary to run his business and the household expenses were deducted. He would have the determining voice as to how much the business required; she as to how much was needed for the household. The woman would not be paid according to the usual economic practice of payment for value received but according to the amount her husband earned. The woman bearing the greatest number of children and doing the hardest work might well be the wife of a poor man who would have practically no surplus earnings. The woman receiving the most money would be the wife of a wealthy man, and the actual services she performed might be very small.

Neither government compensation nor a division of the family income would make the woman economically independent. She would not be free to choose her occupation but would be confined to a certain type of work. Both would render her partially independent in that she would be assured a certain payment for her services. The latter suggestion is especially open to many of the criticisms already raised regarding the wife's dependence on her husband.

Ability Rather Than Sex Determine Person's Duties at Home and in the World. Persons with the third viewpoint desire as little difference made between the sexes as possible. Neither should be sacrificed to the other. Sex should not constitute a dividing line. If no solution can be found which will permit both parties to a marriage to continue in their callings, the one best fitted in training and intelligence should work outside the home.

If a solution can be found which will allow both husband and wife to follow their chosen pursuit without detriment to the children so much the better. Nor is such an arrangement outside the realm of possibility. It is being made regularly by married people who for different reasons feel it best for the woman to continue working after marriage. Those who can do so hire a competent woman to care for home and children during their absence. Those who cannot find the experiment less successful. Often necessity drives the mother into industry, and little or no provision is made for the children's care.

If the proposition holds true that equality for women can be secured only through economic independence, then from the standpoint of those persons who believe equality desirable and of those married women who from preference or necessity work outside the home, some suggestions as to a possible way by which children and home might receive proper care during the parents' absence are timely.

Division of Labor in Home

The best solution seems to lie in a division of labor in the home, such as has taken place in industry, in specialization for the sake of efficiency. For a century there has been a general shifting of work from home to factory. This shifting has taken place gradually. It has met little opposition. It has been accompanied by the invention of time-saving and labor-saving devices to aid in the performance of those tasks which remain a part of household labor. Yet the work of many women has not been greatly lightened, for with the removal of certain tasks have gone the servants who once aided the housewife. The poorer families have been able to participate in the change to only a limited extent.

But while industry is constantly taking over more and more of the one-time home manufactures, while gas and electricity have played an important part in revolutionizing housework for some women, there has been no scientific revision of the manner in which the work is performed. One person is still expected to be nurse, seamstress, cook, scullery-maid, chambermaid, laundress. There is no division of labor where housework is concerned. The system which has proved indispensable to industry has made little advance in the ordinary home. The wealthy, through a corps of servants, have sub-divided the work on their estates to a fine degree, but they are the exception rather than the rule.

The average woman is not a dietitian. She has no scientific knowledge of the kind and amount of food which will give the family a balanced diet. She is not trained in the skilled care of children but depends largely on the mother instinct. Any instinct is unreasoning, undirected. The mother instinct, if unaccompanied by education, can do as much harm as good in the upbringing of the child. The woman with no adult assistant and several small children must spend most of her time in the mechanical part of housework. She has little or no leisure to supervise the training of her offspring. One of the chief arguments against the employment of women outside the home is the loss to the child of the mother's care. Yet if the issue is squarely faced, if visits are made to the poorer sections of any city, if the children at play in town or country, and the housewife in the home are closely observed, it would appear that it is not the mother's care which is essential for the children, but rather the physical presence of some adult in the home. This adult furnishes them with food, sees they are dressed warmly, sends them off to school, lets them into the house from time to time during the

intervals of their play. Any actual mothering which the child receives is at night when the family gathers for the evening meal or at bedtime. It is questionable whether a child is actually better off because his mother happens to be doing housework in the home rather than another type of work outside the home, provided he has some adult supervision during the day.

While these facts are recognized by many people, the majority feel that the mother's presence in the home is a magic potent to the family life and that the family would be jeopardized under any other system. It is true that the mother is an important factor to the child's well-being in the first period of its life. But after that period is past, could not any intelligent person, male or female, perform the tasks considered peculiarly woman's work and mother's work?

It is possible that as time goes on, housework will become a much more scientific profession. A balanced diet would go far toward preventing disease and would produce a healthier race. Trained, systematic care of the child would replace haphazard methods. All clothing would be made outside the home. A division of labor would permit one person to perform one kind of paid work efficiently for a number of families instead of attempting to do many kinds of work indifferently and unpaid for one.

Such a scheme would gradually be adopted by increasing numbers of people much as the devices for lightening household tasks and the factory manufacture of articles once made in the home have slowly superseded the older methods. It would be based on the community plan. The family would remain intact, but great changes would be wrought in housework.

Schools. Some forerunners of the new order can be seen in the public schools which serve a hot lunch to the pupils, in the day nurseries and community kitchens now used by many households. But uncoördinated, scattered, the possibilities which a combining and systematizing of these institutions would effect remain unfulfilled.

Every school from the primary grades up could arrange to serve a hot noon meal at cost to the pupils who would remain at school from nine until four. The remainder of the noon hour could be spent in supervised athletics and games. This plan would care for the child of school age for practically the entire day. The hours after school until supper time are spent in play by most children. It would be no great detriment to the child of twelve or over if his mother was not in the house on his return from school in the late afternoon. For the child of younger

years, an arrangement with the community nursery could be made, and he could be cared for until one of his parents arrived home at 5:30. Some plan for Saturday mornings could easily be evolved through the coöperation of the school, the community nursery, and the supervised public playground. The older children could spend the morning hours in gymnasium or athletic field under the direction of an instructor. The younger children would be left to the care of the community nursery. The supervised public playground might be coördinated with the schools for the purpose of aiding in the noon hour of recreation and on Saturday mornings. Compulsory attendance for all children between the ages of nine and fourteen or fifteen, unless good reason could be shown, would be required at the school on Saturdays as on week-days. The children would remain through the noon meal and would spend their morning in planned recreation and sports rather than in work.

There is little in this plan which necessitates any great change. Many schools have already found it necessary or advisable to furnish a hot midday meal for the pupils. This is particularly true in high schools, where the pupils may come from a considerable distance and find it impossible to return home for the brief period at noon. The scheme would work equally well in the lower grades and has been adopted in many country schools. The child of poor parents, both of whom are working, is insured care and food throughout the day. The woman working in the home is relieved of the task of preparing lunch for the children and can rest secure in the knowledge they are well cared for. The only changes necessary would be the compulsory feature requiring children to remain at the school over the noon hour and the supervised play on Saturday mornings.

Coöperative Institutions. This plan would account for children of school age, but would not care for the younger child, the sick child, or the housework in the home. These would be taken care of by a series of community institutions. Four, at least, would be essential. Possibly more would develop with the perfection of the proposition. Their purpose would be to reach the largest number of people at the lowest possible cost. They could be run under the profit system. But for economy, democracy, and personal interest on the part of the families served, a coöperative plan, based on Rochdale coöperation, might prove more efficient. The four indispensable parts of the plan would be the community nursery, the community kitchen, the community laundry, and the housecleaning department. Families desiring to belong to one

or all of the four would purchase a share or shares at a reasonable sum. They would receive a fixed interest on these shares, a certain portion of the surplus after expenses had been paid, and would have one vote each. This would permit the community institutions to be run for use rather than profit. What surplus there was would be paid back to each family in the form of dividends based on patronage. The family demanding the greatest number of meals from the community kitchen or having the largest number of children in the community nursery, would receive the biggest share of the surplus from each institution. The smaller family whose custom was less would receive less. As the profits would accrue to the participants in the scheme who would likewise be its directors and owners, the cost would be smaller than if it were run by an outsider as a profit-making venture. As each member would have only one vote no matter how many shares he owned, democracy would be insured. The families belonging to each institution would meet periodically to elect a board of directors for that institution. The board would serve free, as the service for a small group of families would not be great. They would determine policies, the amounts to be charged for services, interest on shares, etc. They would be held responsible to the families who elected them and could be removed by a two-thirds vote.

Neither the individualistic life of the family group nor the possible moving from place to place would vitiate the plan. The members of any of the community institutions would not necessarily have to have more than a slight acquaintance with one another. The community enterprises would bring them together only at the periodic meetings. Membership would be open to any one living within a certain radius. This radius could easily be plotted off for the different institutions by the town or city officials. A person moving away from a given locality, under certain conditions would have his shares taken over by the different institutions of which he had been a member and would purchase new shares in the place to which he moved. This would at once entitle him to the advantages of each institution. All payments for the services of the different community enterprises would be made at short intervals to be determined upon by the community officers, but there would be no running charge accounts. This would obviate the danger and expense of a long-time credit system. This scheme would do away with the necessity of cooking, cleaning, washing, and ironing in the home and would provide for the care of the children.

Community Kitchens. Community kitchens, similar to those in existence to-day but based on the coöperative rather than the profit system, would deliver hot meals to the different families and take back the soiled dishes for washing. There would probably be a community kitchen for every large apartment or group of apartments. The individual kitchen in each suite would disappear though a small kitchenette might be retained for the convenience of the individual families. Families who lived in houses in a town would depend on a community kitchen located in a building which might also hold the community nursery, laundry, and housecleaning departments. The ordering and planning of meals would be in the hands of a trained dietitian and assistants, supervised by the board of directors. The meals would be prepared in a scientific way yet would be palatable and varied. Their price would be considerably lowered by the wholesale buying of supplies and the coöperative nature of the enterprise.

Community Nursery. The community kitchen would be paralleled by the community nursery. The head nurse and her assistants would be trained in child psychology, kindergarten work, and child hygiene. Any minor illnesses of the child could be cared for in the nursery or in the home by these nurses. The community nursery would probably be smaller than the present day nurseries. It might serve the same group of families as were served by the community kitchen. The children would be kept outdoors as much as possible in a playground designed for the purpose. An indoor nursery, either in the apartment house or in the building with the community kitchen, would be provided. The food required by the children during the day might be prepared and served either by the community kitchen or the nursery. Children of tender years could be placed safely in the hands of the child experts who had chosen this occupation as their life work, who would perhaps be mothers themselves, their own children forming part of the child group.

Community Laundry and Community Housecleaning Departments. The community laundry, with its mending department, would do the washing and mending for the family, while the community housecleaning department would arrange to have every family's house or apartment thoroughly cleaned once a week. The immediate family could easily care for its own dusting and bedmaking, did each member do his share, though it would be possible to have this work done every day by workers sent out from the housecleaning department.

Discussion of Coöperative Scheme for Division of Household Tasks. Probably the community nursery would serve only a small group of persons. The community kitchen might serve a larger group, as might the housecleaning department. The laundry could take care of a still greater number. As the functions performed by each of these groups are very different, it would doubtless be best to keep them separate, each governed by its own board of directors.

The scheme should reach all but the families of the very poor, the very rich, or those living far apart from each other in the country. The amounts charged for any one service would not be large, due to the coöperative nature of the enterprises. The family income, made greater by the contribution of the wife who would now be freed for outside work, could well cover the cost. If in addition to the coöperative housekeeping plan, the communities embarked on coöperation to the extent it is carried on in England, Germany, Denmark, France, etc., their expenses would be still less. As long as the property differences between different communities remain great, the institutions might vary in character and efficiency according to the wealth of the people in a given group. The very poor might find it difficult to participate in the scheme; while the family isolated in the country and the very rich might likewise remain non-participants either from necessity or desire. The compulsory school system, which would care for the children from nine a.m. to four p.m., would greatly aid the mothers of the poor, as would the supervised playground and subsidized day nursery. It would be hoped that with a wide adoption of the plan and the coöperation and aid which might be expected from an interested government, this class of people might well be incorporated. The country farmers' family would remain a problem. It could not take part in community enterprises where there was no community. The families of the rich with a trained body of household laborers would have no need or wish to join. The wife and mother, a member of the leisure class, perhaps with a fortune of her own, is free to work in the world if she so desires. The country woman and any other woman who could not or did not wish to enter the community plan might be rendered partially independent by the requirement of a division of her husband's earnings or the government compensation for motherhood already described. This would be paid her for her work in the home or her supervision of the household.

The plan would demand a new type of worker. The person in-

terested in dietetics would have a wide and important field opened to her. The cook would have added opportunities to develop her profession. The woman with a strong aptitude for child care would have a chance to mother more than two or three young ones. She could give herself to a larger group. Her talents would be trained and pointed rather than untrained and crude. The same thing would be true of every division of household labor. The positions would be open to men or women, whoever were interested in training for them. The rate of pay would not be large, but it would be sufficient to provide a good livelihood and would be graded according to the skill and training required.

The educated and trained woman would be freed from household labor to pursue her chosen calling. The woman who preferred housework would find many openings where she could work. Her position would not be that of a servant but rather that of a skilled or unskilled industrial worker or of a specialist in dietetics or child life. A large group of married women would become economically independent, with a definite life work beside their duties as parents. These would be shared equally with the husband. The family life would not be broken up but would be strengthened. Each partner would contribute to that life. Each would have his own salary and be independent to that extent of the other, but each would give to the family budget. The children would have better and more scientific care than they ordinarily receive to-day. The mother freed of housework would have her entire evening to devote to the children. The family would be together at breakfast and the evening meal. Some families might also meet at noon. Both mother and father would have holidays and vacations with their families, times which to-day usually mean more work rather than rest for the housewife. The working mother would actually have more free time with her children. Her working day might be shorter than at present, particularly if the movement for shorter hours in industry, already widely successful, continues. She would get out, meet people, and be a factor in the industrial, business, professional, or political world. Her experiences and broadening outlook on life would help her to shape her children's lives more wisely.

Expert Medical Care and Salary for Working Days Missed Supplied All Pregnant Women by the Government. Many of the women would have their economic life broken by child bearing. But civilization means smaller, healthier families and the bearing of children would occupy less time and be less strain on the mother, with the advance of mankind in science and education. As

children are very necessary to the state, the government would recognize the woman's service. Possibly this would be done by regular money compensation and certainly by providing, without charge, expert medical care before, during, and after child-birth and paying the mother's salary at least in part during the period in which her presence was essential to the child.

All persons, men and women, lose time from their economic lives by sickness. Child bearing is to all intents and purposes an illness. It is peculiar to women, but men too have certain ailments which do not affect women. The sick employee does not ordinarily lose his position. The child-bearing woman, treated in this light, would be given leave of absence until she could be spared and was able to return to work. Moreover her special social contribution to the race would be acknowledged. Like the discharged soldier's, her contribution would entitle her to particular consideration. Public opinion would become an added force insuring her steady employment.

The plan outlined here is not detailed. It does not attempt to go into the coöperation and coördination which could exist between the various community institutions and the public hospitals, gymnasiums, day nurseries, etc. It does not show the value of government insurance for disabled employees, of pensions for widows and widowers. These would help the bread-winning mother or father to continue in the community arrangement on the death of the partner. It does not describe the part to be played by such institutions as the credit union whose loans would keep the families in the coöperative scheme even in time of distress. The institutions described would develop gradually through experience and time. They might grow along profit-making, cooperative, or even socialist lines. In the latter event the government would become the manager of one great system with many branches serving the people at a minimum cost. The actual road this plan might follow is impossible to prophesy. But it is feasible, and many of its features are in operation to-day.

XVII

EMPLOYERS AND WORKERS

Statement of the Problem

The unequal distribution of wealth lies back of the industrial problem as it affects workers and employers. Wealth and power tend to concentrate in the hands of the few because of natural and artificial inequality. Natural inequality is caused by inborn differences in ability and strength. Artificial inequality is the result of tradition, environment, and inheritance. As human beings have probably always differed in mental and physical powers, natural inequality has been present in every stage of human society. As human beings in every known social state have set up certain rules and customs favoring or discriminating against different classes of people, artificial inequality has likewise been present.

Great inequality is endured with little protest when the door of opportunity is open, and men have hope of bettering their conditions. It is likewise endured when they are uneducated, weak, and in subjection. When the door of opportunity closes, when men become alive to their situation, have efficient leadership, have hope of effecting a change, vast inequalities result in persistent agitation. This agitation sometimes reaches the dimensions of a revolution if peaceful means fail to bring results.

Natural inequality, society is powerless to control. It can regulate conditions resulting from it. It can also check artificial inequalities. By artificial inequalities, members of one sex or race are not permitted to attain their highest development. By artificial inequalities, persons born in certain classes are maintained in those classes. The children of the well-to-do are raised in a better environment, receive a higher degree of education, and are given a better start in life than the children of the poor. By inheritance, property is handed down through families. Many of the possessors of vast fortunes to-day did nothing in their making. Thus the rules of society tend to perpetuate inequalities. They give one man an advantage over another. Were the natural abilities of the two equal, the man

born of a wealthy family, provided with a good education, social training, money to invest, and friends to give him an opportunity would go much farther than the man born of a working class family, without intellectual, business, or social training, without opportunity to secure a position offering a good chance of promotion, without funds. Such a man is forced to go to work in early youth. He has little choice of occupation. He will probably never advance far. He can give his children few advantages. He can leave them no property. They belong and tend to remain in the laboring class. The other man will have a large income from his inherited wealth and his own efforts. He can afford to give his offspring the advantages he enjoyed himself. He will leave them property which they in turn may increase and leave to their children. They belong and tend to remain in the capitalist class.

The doctrine of laissez faire or individualism has dominated the modern era of society. This doctrine represented a searching for greater liberty, a revulsion against the control of ruling powers. It was assumed that in a free society men competed on an equal basis. Therefore there should be no interference with competition. The government should keep hands off. The theory also maintained the right of every individual to freedom of contract. The adherents of laissez faire believed that under a democratic government, with a wide measure of liberty, artificial inequalities were practically wiped out. Actually they still existed in the right to inheritance, in environmental differences, in the limitations placed on the suffrage, in the traditions handed down, and the sex and race barriers established. These artificial inequalities tended to perpetuate the natural inequalities on which no regulations were imposed.

Artificial inequalities arising from property differences were however at a minimum in an agricultural nation such as the United States of the early nineteenth century. For this reason many of the evils of laissez faire were at first non-existent, and the nation appeared to prosper under the doctrine. But in the latter part of the century, with the growth of industry on a large scale, great inequalities developed. The laboring class did not bargain on equal terms with the capitalist class. The idea of free and equal competition presupposed by laissez faire completely broke down. As a result, the government was compelled to pass laws regulating industry and was forced to face the problems arising from natural and artificial inequalities.

The results of laissez faire are seen in the great property

inequalities existent in the United States to-day. According to the National Bureau of Economic Research, 1 per cent of the income receivers in the United States in 1918 had incomes of over $8,000. This 1 per cent had 14 per cent of the national income. Eighty per cent of the income receivers had incomes below $1,750, receiving about 53 per cent of the total income. This means that the mass of people are poor. Many of them are barely making a livelihood, others are supported by charity. It means that the government has not been able to secure for large numbers of its citizens the "right to life, liberty, and the pursuit of happiness."

In this country where the people have been trained to appreciate and uphold the ideals of self-government, liberty, and equality of opportunity, such a condition cannot fail to create dissatisfaction and disillusionment. The masses in the United States are not wholly ignorant and untrained. They have been given a certain amount of free education. They are therefore more capable of appreciating and resenting the growth of great class differences.

Organized labor is to-day content to seek a remedy for existing inequalities by attempting to reduce the degree of inequality. This it strives to do by securing a greater share of the product of industry and a reduction in the required hours of work with a subsequently increased chance for enjoyment. A small minority of the more radical groups are not content with so conservative a program. They wish to do away with all inequality as far as possible. They would abolish artificial inequalities and regulate the differences arising from innate abilities. This they think can only be done through a change in the present economic organization.

The agitation of these groups takes various forms. It is resisted by many members of the capitalist class who naturally are reluctant to cede any part of their favored position. The more far-sighted and liberal members have been willing to take measures to better conditions for their workers. Few of the capitalist class are in favor of any change in the economic organization. The increasing demands of labor and the resistance of employers cause industrial warfare by which the public is adversely affected.

Early History of Labor Movement

Inequalities in any system can be accepted with equanimity as long as man has hope that eventually he can lessen them. In

industry while the workers felt that the opportunity to advance was open, indeed was the natural and normal course, no need for labor unions existed. Under the guild system the young apprentice and the hired journeyman expected to become master workmen in a few years. Their social status was the same as their masters. As apprentices or journeymen, there were doubtless conditions connected with their position which caused them dissatisfaction. These could be endured when the workers believed that the future meant better things. The domestic system, a later development than the guilds, paved the way for the great change which was to be wrought by the industrial revolution. Under the domestic system, there was a wider market, a higher degree of specialization in work, and a definite class of wage-earners began to develop. But it was the industrial revolution which furnished the background for the trade union movement. The industrial revolution in England meant the rise of machine industry, greatly improved methods of transportation and communication, and the growth of world markets. The relationship of the worker to his work was radically changed. He no longer worked in his home or in small groups in a shop. He lost much of the independence he had enjoyed in the days of the guilds and even under the domestic system. He had less need of a wide training, for his work became highly specialized, often requiring knowledge of but a single process. He no longer owned his tools which were now in the form of expensive, heavy machinery. This could not be installed at home and was too costly for the workingman to buy. He was forced to labor for another man in a place called a factory, with tools over which he had no claim, under conditions over which he had no control, for wages which gave him a bare livelihood. The factory system stimulated the growth of cities. It forced the laborer to leave his home and plot of land and live as a tenant in congested quarters near the factory. It necessitated changes in the mode of life which brought great suffering to the workers and meant a moral and physical degradation. Women and children, receiving only a pittance, were employed in large numbers. Sanitary and health conditions in the congested manufacturing districts were little short of appalling. Laissez faire or individualism was the accepted theory. Under this theory, the government pursued a policy of non-interference which deprived the working classes of protection when they needed it most. They were left defenseless before not an equal as was assumed but a decidedly unequal competition, which relegated them to the position of wage slaves. Many of the evils

of this situation were gradually righted by the English government, but industrial workers had been crystallized into two classes, employers and wage-earners. The chances of the latter group to change their status became less and less. Under the capitalist system, the need of workers' solidarity became more and more apparent to the wage-earning class.

In the United States the ideals of laissez faire were written into the Constitution as was the older ideal of the rights of private property. It was asserted that every man had the right to "life, liberty, and the pursuit of happiness." He also had the right to be protected in his possessions, to contract freely, and to carry on his own business unhampered by government interference. At first the philosophy of laissez faire appeared to be a good thing for the United States. It was still largely an agricultural nation. There was an abundance of land. The man dissatisfied with his work could always find new opportunities on the soil. Enterprises were waiting the ambitious. The chance to rise from the status of a worker to that of an employer was still open. Master and man often had the same interests and were in close personal touch. For these reasons unionism was slow to develop in this country. The forces which promoted its growth in England did not come into prominence here until a much later period.

The development of the labor movement in this country accompanied the increasing adoption of machinery, the establishment of the factory system, the widening of markets as transportation improved, and the crystallization of two distinct classes, employers and wage earners. When these forces were still in their initial growth, unions were weak and transitory. Every business crisis saw them unable to withstand the exigencies of the moment, saw them practically dissolved only to rise again and carry on their struggle, now with political, now with purely industrial weapons. The workers and their aims became the object of various cooperative, philanthropic, and social schemes which retarded the labor movement as such and scattered the efforts of labor. Not until shortly before the outbreak of the Civil War did the modern labor movement begin to appear. As described by the editors of The Documentary History of American Industrial Society this movement "steered clear of all programs of social and political reform and confined its activities to improving the conditions of the trade. Its main weapon was the strike; its aim to establish a minimum wage for the trade and to maintain it by means of a closed shop. This new and limited program made possible trade

agreements between unions and employers, which fixed for a stated period the wages, hours, and other conditions of employment."

Modern Period of Labor Movement

The close of the Civil War ushered in a new industrial era. A number of things were responsible for its advent. The high war tariffs had induced men of capital to invest in manufacturing, especially when a return was assured through the government contracts for war supplies. War needs demanded industrial expansion. The passage of the Free Homestead Law of 1862 stimulated settlement in the west and encouraged the railroads to open up lands for this purpose. State and national governments, anxious to promote the growth of railroad systems, made grants of land and credit. The railroads in turn demanded increased production from the factories. All lines of industrial and agricultural enterprises were affected by what is sometimes referred to as the "economic revolution." New inventions and improvements were made to meet the new industrial demands. These resulted in a lowering of the cost of production, in labor saving, and in greater efficiency along all lines. A great consolidation of industry took place to obviate the evils of cut-throat competition. This ruinous competition had developed from the pressing need of finding new markets when the industries produced by the war turned to peace-time pursuits. The formation of trusts and other combinations brought new problems and new abuses. As a result of these rapid changes, the United States was transformed in a generation from an agricultural nation, using primitive methods and importing most of its manufactures, into an industrial nation, exporting manufactured products to other lands.[1] The economic revolution, while it increased the seriousness of many social problems, made possible a greater production, a higher degree of civilization, and a wider satisfaction of wants.

The changes it effected in industry had a direct bearing on the labor movement. Inequalities, unknown in the early days of the republic, developed. Men made great fortunes, property tended to concentrate in the hands of the few, and class divisions became fixed. Men, women, and children were called to the factories as never before. They massed in cities, increasing the problems of the slums. These were also aggravated by increased immigration as men from the old country answered the labor call in the new. In the great industrial combinations which had been formed, the

1 Schlesinger, A. M., "New Viewpoints in American History," pp. 248-249.

personal relations between worker and employer were no longer possible. The chances of advancing from the status of laborer steadily diminished. Free land began to be exhausted and largely ceased to offer an outlet for the dissatisfied. The man born an industrial worker was apt to remain one throughout his life. For this reason he lost his hope of eventually belonging to the favored classes himself. Great need for legal regulation of the new industrial conditions existed. But until the nineties, the doctrine of laissez faire dominated to such an extent that the government did little to remedy the situation.

All of these reasons combined to place the labor movement on a permanent footing. Everywhere men unionized. The great industrial combinations and the wide markets made them feel the need of close unity between the various unions. Members of local trade unions formed associations with other unions of the same craft in the same city and these were made national in scope. A movement likewise took place to gather different crafts into local and national unions. This desire for greater unity found expression in 1866 when the National Labor Union was formed. It represented an attempt to amalgamate all unions into one body. But it became involved in politics and soon passed out of existence. The Knights of Labor, formed in 1869 and also a universal labor union, was more successful. It had a strong centralized government. Its aims were "idealistic, humanitarian, and political." For some years it dominated the union movement. But its political activities combined with certain structural weaknesses forced it to cede its place to a new organization. This body was organized in 1881 and was first called the Federation of Organized Trades and Labor Unions of the United States and Canada and later the American Federation of Labor.

The American Federation of Labor

The American Federation of Labor is a loose federation of unions, elastic in character and giving its members a wide independence of action. Such a federation has proved more successful than its predecessors. Its elastic structure has permitted it to incorporate the trade, labor, and industrial forms of unionization. The local union is the smallest unit. If a trade union, it embraces all the workers of a given craft in a certain community. If an industrial union, it is composed of all the workers, no matter what their craft, engaged in a certain industry in a given locality. If a labor union, it comprises all the crafts in all

the industries of a given community. Local labor unions exist where organization is difficult and where the small number of workingmen in a locality does not warrant a more minute division. Such unions are directly affiliated with the American Federation of Labor. The local trade and industrial unions are not affiliated directly with the federation but are united into national and international trade or industrial unions. These large organizations have jurisdiction over the local unions. The basic organization of the federation is then local unions united into nationals or internationals which are in turn federated with the American Federation of Labor.

The number of industrial unions in the federation is small compared to the number of trade unions. The trade unit has been the most popular and effective unit and the one promoted by the federation. It has however several weaknesses. Different crafts in the same or allied industries tend to overlap. The line of demarcation is sometimes hard to draw and is apt to cause friction. The individual trade union is weak when it must deal separately with the employer whose jurisdiction extends over many crafts in a large industry. If the union is to meet the employer on equal terms, it must organize as he does. Groups of employers engaged in the same type of industry or in industries of a similar character tend to form associations to deal with their employees. To meet this situation and also to obviate disputes and make themselves stronger, the units of the American Federation of Labor have found it necessary to depart in a measure from the strictly craft division. The general tendency is toward a quasi-industrial formation. While the craft unit remains the same and the grouping of local craft unions into national and international unions is still the primary division, there has been a federation of allied crafts in the same industry (councils and departments) and of different crafts in different industries (city and state federations). All of these groups are in turn federated with the American Federation of Labor. The desire for a closer union between the members of the federation has been voiced for some time by the more radical labor element. In 1922 and 1923 at the annual conventions of the American Federation of Labor, resolutions calling for amalgamation were offered and defeated. While the federation expressed itself in sympathy with the voluntary close affiliation of labor organizations, it stated that any policy of compulsory amalgamation would be contrary to its policy and without its jurisdiction.

The American Federation of Labor is the largest and most

important labor group in the United States, but there are several independent organizations outside the federation such as the Railroad Brotherhoods; the Amalgamated Clothing Workers of America, a strong industrial union; and the radical industrial union, the Industrial Workers of the World.

Purpose of Unions

The purpose of labor unions, wherever found, is identical. Though the means taken to carry out this ideal may differ, all of them are one in the desire to improve the status of labor and in the belief that collective action is essential. They must acquire members and promote the spirit of brotherhood. The more workers they can persuade to join their organizations, the better. To secure and keep members, the strong union offers benefit features. Though the main object of a union is frankly the protection of its members and the maintenance of satisfactory working conditions, the benefit features attract many who might otherwise fail to join. The workers' dues are used primarily as a reserve fund to support them during a strike and secondarily to guard their members from the dangers incident to human existence—unemployment, disability, disease, old age, and death. Insurance against these hazards is desired by all workingmen. Their employment is often dangerous, and they can seldom afford to save for these contingencies themselves. The English unions in particular offer some or all of these benefits to their workers. The American unions are not so liberal, though practically all the large national or international unions maintain benefit funds of one kind or another. Some give benefits for unemployment, disability, or old age. Many pay a stipulated sum at death sufficient for burial and for supporting the family until it is able to make permanent arrangements. Others provide for a definite life insurance, usually limited to a few hundred dollars. The benefit system is growing in favor in the United States. It induces recalcitrant persons to join the union and gives the worker a sense of well-being and security. The benefit fund serves as an added reserve in case of industrial warfare and may be consumed in this way. This and the fact that a member expelled from the union loses his right to participate in its benefits, though he may have regularly contributed over a long period of time to its reserve fund, are the greatest drawbacks to the system. On the other hand, only those members who flagrantly disobey union regulations or prove themselves false to the union

are expelled from membership, and the very fact that a strike may eat up the insurance fund often deters belligerent action and makes for industrial peace.

Insurance benefits are not the main reason why so many workingmen join the union. Were they looking for benefits alone, these could be found in insurance companies and friendly societies. Such organizations may charge more for their services, but they offer greater security. The workingman of to-day primarily joins the union to secure the greater advantages which are derived from collective action. The individual workman is at a great disadvantage when bargaining with the employer. Without a reserve fund, he must effect an immediate sale of his services. The transaction is a vital matter to him for on it depends his very existence and that of his family. The employer has surplus resources and can afford to wait if necessary. He buys his labor in quantities or at wholesale. The non-union worker bargains individually or at retail. Unlike the employer he is ignorant of market conditions and does not know the most advantageous spot in which to sell his labor. Even did he know where labor was in demand, family ties, lack of funds, and local connections, all render him immobile. By joining a union, he can do much to correct the weaknesses which as an individual place him at a disadvantage in dealing with his employer. Through the union, wages have been increased, hours shortened, minimum wage rates established, legislation beneficial to workers enacted. It is union agitation which has educated the public to the belief that every individual is entitled to earn wages which will enable him to maintain the American standard of living,[2] to work under sanitary and safe conditions, and to be employed only a certain number of hours, preferably eight, that he may have freedom for recreation and community life. These ideals have been attained in varying degrees by some workers, but there is still a long way to go before they will be made possible for the great majority.

2 The American standard of living is necessarily a vague term, but it has come to have a rather definite meaning in the minds of most people. To the public, it stands for a wage sufficient to afford a living for a normal family, to give them a reasonable amount of comforts, and to enable them to make some provision for the vicissitudes of life. This is still vague and unsatisfactory, for families differ in size and wants. Nevertheless this is the ideal of labor which has become more or less definitely the standard by which the public labels the workers' demands legitimate or illegitimate.

Employers' Associations

The unions of workingmen are paralleled by certain employers' associations. These associations seek to secure mutual aid in the industrial field for employers, as the unions do for workers. The employing firms constitute their membership. An administrative council, elected by the members, carries on the work of the organization. The members' dues are used as a defense fund. If any member has trouble with his workers he is required by the rules of the organization to report the matter. The council makes an investigation should the situation prove serious and seeks to settle the difficulties in accordance with the policies of the association. In case of a strike these associations stand behind the affected member. They may provide him with financial aid. They may help him to secure a new set of workers. They may make some provision to have his orders filled in other shops. They may have a set of workmen always on hand to send to any member whose workers are out on strike.[3] They may furnish workers from their own shops. They may seek to secure special patronage for the shop whose workers have struck. They strongly support the open shop (the shop which ostensibly hires both union and non-union men). They even go as far as expelling members who adopt the closed shop (the shop which has an agreement with the union to employ only union workers). They oppose other union practices such as apprenticeship rules, the use of the union label, restriction of output. They are against any coercion of the union to obtain members and have as one of their purposes the "protection of free labor." This idea is expressed by one organization in the statement that every man, woman, or child seeking to earn an honest livelihood should be protected therein by the whole force of the state or if necessary the nation. Like the unions, employers' organizations attempt to attain their ends through legislation. They are active in support of laws tending to curb the power of the unions. While they outwardly express their belief in the right of the workers to voluntarily combine, union labor is convinced from their actions that they are fighting organizations supported by the capitalist class and opposed to the aims of organized labor. This attitude is expressed in resolutions presented at the 1922 convention of the American Federation of Labor. These resolutions urge the necessity of closer bonds between the member unions to offset the employers who have solidly united

[3] Groat, G. G., "An Introduction to the Study of Organized Labor in America," p. 67.

throughout the nation, "being bound together by a solidarity of interest and organization which leaves no room for divided action or desertions, and moreover, they are supported by the government, the courts and the press in any union-smashing undertaking they engage in."

Both associations of employers and associations of workers have their good and their bad points. Associations of employers have as their ideal the advancement of the general welfare and prosperity of industry. If this ideal is carried out in the interests of the public, such associations can do much to promote better industrial methods, increase production, and satisfy the people's wants. If it is carried out for the selfish interests of the employers themselves and of invested capital, it does harm rather than good. Through his contact with the unions, the better type employer has come to recognize the justice of many of the workers' demands. While he may still fight the unions, fearful of their power, he makes very real efforts to improve conditions for his own men.

The unions, by benefiting the working classes, have advanced the prosperity and strength of the nation. Even strikes, detrimental as they are to the general good, have been instrumental in revealing industrial abuses, awakening the public conscience, and bringing about better conditions.

Faults of Unionists and Employers

On the other hand both unions and employers often indulge in practices which are injurious to the public welfare. The trade unions resort to certain methods which they believe will advance the interests of their members and will aid them in their struggles against the employing group. Employers adopt somewhat similar methods to prevent infringement on "their" rights on the part of unions and to maintain or increase profits.

Some Practices Which Tend to Have an Injurious Effect on Society

Workers	*Employers*
1. Efforts to secure a monopoly of the labor supply and arbitrarily to control it.	1. Efforts to secure a monopoly of some product and arbitrarily to control it.
2. Restriction of membership and output through:	2. Restriction of output through:
a. Apprenticeship rules.	a. Curtailing production.

Workers	*Employers*
b. Sex and race discriminations.	b. Destroying goods produced.
c. Dictation of the machinery and materials which shall be used.	c. Hoarding other goods until they are urgently demanded or practically useless.
d. Objections to piece work.	d. Monopoly control.
e. "Going slow on the job."	
3. Corruption of union officials.	3. Refusal to adopt new machinery to promote the safety of the public and the workers.
4. Jurisdictional disputes.	4. Lawlessness in strikes.
5. Lawlessness in strikes.	5. Disregard for the public.
6. Disregard for the public.	

Monopoly. Some of these practices are self-evident and need little explanation. The unions have been successful in securing practical monopolies through unionizing most of the workers in certain trades and establishing the closed shop. They have sometimes abused these monopolies by imposing restrictive rules which increase costs and decrease production. For instance in New York, the Journeymen Plumbers' Union, owing to the shortage of labor in 1922, was able to compel employers to accept a set of conditions which the employers claimed increased the cost of plumbing 30 to 40 per cent. They stated that the plumbers demanded two journeymen plumbers to one helper on a job and required pipe to be cut by hand instead of by machinery.

While the federation, as a body, contents itself with local monopolies, the more radical workers within and without the federation aim at the idea of one big union. Such a union would have a monopoly of the labor supply and would be in a position to control industry and the government as well. Only a minority group favor this idea which actually would be the first step toward a change in the economic organization and a proletarian régime.

Workers are not alone in their efforts to secure a monopoly and in this way to obtain a position of vantage. Employers are guilty of the same offense. If they are successful they have a stronger bargaining power with the concerns from which they buy supplies, with labor, and with the consumer. Their efforts are directed toward securing monopolies in certain industries and over certain products. They do not need a 100 per cent monopoly to control the field in which they are engaged. Their ambitions along this line have led to powerful combinations and trusts. Practically freed from competition, such organizations

can manipulate prices and exercise a dominating position over the workers. They may destroy small competitors and unduly influence government agencies. Large scale production has many advantages but it can be carried on without the monopoly and its attendant evils.

Limitation of Production. Both union and non-union workers have been charged with limiting production. Such limitation is based on the fear of unemployment and the desire to maintain or increase wages. The working man claims that when he works fast and produces many products in a short time, his working year is lessened, the factory force is laid off because of over-production. His natural reaction is to shorten the working day and curtail production. When there is a union agreement and a certain standard set, he is only willing to fulfill the requirements of the standard, even if he could do more. Sometimes union rules or the pressure of working class opinion prevent the strong and able man from producing more than the less able. The workers justify themselves in this practice by the claim that the employer reaps the rewards of the able worker's efforts. To the worker no personal benefits accrue, and he adversely affects the welfare of the working class by setting a pace which drives the slower men to the point of exhaustion. For instance under the piece-rate system, the rate is usually based on the amount of work which the average person can do in a given length of time and which, at that rate, will mean a living wage. The worker sometimes fears to produce as much as he normally could. If he works rapidly and earns more than the employer thinks is a living wage, the employer may decide he is paying too much and may lower the piece rate. The worker will then have to work harder to earn the living wage as will the other workers less able to sustain the pace.

Limitation of production works in the same way as a reduction in the number of workers. If the demand for goods is to be satisfied, more must be produced. When each worker does only a limited amount of work, the need for more workers is felt, and the work is distributed among more men. The worker also tries to decrease the labor supply by apprenticeship rules, by limitations placed on immigration, by race discriminations and indirect methods taken to prevent women from entering certain trades on the plea that the work is beyond their strength, that their "morals" and "womanhood" must be protected. Such restrictions are adopted to advance the immediate interests of a certain group of workers, not to promote the welfare of all workers.

They destroy the workers' solidarity, bring hardship to other workers, and force them into less desirable work. The workers may also resist the adoption of machinery which so often means greater production, a saving of time and labor, and ultimately lower prices. They fail to see the ultimate good in the immediate injury to themselves. They reason that the new machine will partly take the place of man labor and they will lose their jobs.

The worker's philosophy in limiting production or union membership is a human philosophy. He asks, "What am I or my family going to get out of this?" and then he passes this advice to the young, inexperienced newcomer, "Make the job last." There is a still more human factor entering in. Purely mechanical work, paid by a bare living and offering little chance of promotion, also offers little incentive. It creates the temptation to "loaf on the job" and to do just enough work to "get by."

To the worker the theoretical law of supply and demand and the pernicious result of high prices when there is underproduction are too vague and far away to grasp. He wants a living wage now. He wants steady employment. He therefore takes the means at hand, those that appeal to him as the most direct and productive of immediate results. He does this without thought of the ultimate result or of the probable effect on the rest of the public.

Employers also limit production to advance their own immediate interests without regard for the public and without thought of the larger issue. They may do this to steady the market or to steady prices, or they may do it to increase profits. If they have a practical monopoly of a certain article, by curtailing the output, they can create a great scarcity in the market and temporarily increase the demand, the price, and the profits. Nor are employers always ready to adopt new machinery. Sometimes they have been unwilling to sacrifice immediate profits for the safety of workers or public. The well-known resistance of certain employers to the adoption of air brakes and automatic couplers on trains illustrates this point. Both these devices meant greater safety to the traveling public and to the railroad employees.

Corruption. Another charge brought against the union is the corruption of union officials. Union delegates, men paid and chosen by the union to deal with the management, are especially condemned by employers. These men, brought in from the outside, are charged with creating industrial strife to make business for themselves. While this charge may be justified in some cases,

the workers feel that an outsider whose business it is to study and observe market conditions is in a better position to handle their interests than a fellow worker who has no wide grasp of industrial conditions. Union corruption is said to be a weapon in the hand of employers. By bribery, promotion, honorary positions, the employer induces union leaders to abandon their class interests and their cause. But corruption is not a fault peculiar to unions. Corruption exists among employers. It exists in the government. It exists in the press. In fact it is present whenever human beings are brought together in almost any kind of enterprise.

Jurisdictional Disputes. Jurisdictional disputes constitute another fault of the union. They are caused by the trade division. The processes connected with one trade often closely overlap on another and are claimed by both. The result is a dispute which may extend over a long period with much inconvenience to employers and public. For instance the work on the $30,000,000 Hell Gate power house of the New York Edison Company was held up for several months because of a jurisdictional fight between the plumbers and steamfitters. As a result of this struggle, the plumbing contractor was the innocent victim. The dispute was said to have caused his ruin.[4] These disputes are constantly being carried on between unions to the detriment of the public, the employer, and the workers themselves. Some more satisfactory method of preventing them or of bringing them to an immediate settlement after they occur should be effected by the union in the interest of all three parties.

Lawlessness in Strikes. Lawlessness in strikes is practiced by both workers and employers. The workers' methods are more primitive and spectacular than are those of the employers. The employers' methods are indirect. Sometimes they are illegal. More often they are questionable but apparently within the law. They may not come to the notice of the public but may be directly responsible for many of the more violent acts of the men. Lawlessness, practiced by either the employer or workers, is directly against the public's interests. Yet as long as there are strikes, there will probably be a resort to such methods. Actually violence in strikes is probably less general than is supposed. It is condemned by union leaders, who usually strive to keep the men under control, knowing that a resort to violence means public condemnation.

[4] New York *Times*, April 22, 1922.

XVIII

THE STRIKE AND THE PUBLIC

The Public's Interest in the Strike

Both in their struggles against each other and in their efforts to coöperate, the employing group and the working group are prone to disregard the public. They are apt to look at industry as a means of advancing their own interests. Workers with this point of view seek to secure the highest possible wages without regard for the welfare of the industry or of society. Employers with a similar idea strive to make large profits at the expense of workers and public. The public is not entirely innocent, for it demands low prices without regard for employers, workers, or industry. Self-interest, then, too often dominates all three parties.

Industrial workers and employers are of course a part of the public. The term, "public," includes every man, woman, and child in the United States. Each person in his rôle of consumer is vitally affected by the industrial problem. The employing group and the workers are the parties most immediately concerned. The families of these groups are also directly implicated. Persons who take no active part in industry but have their capital invested in business enterprises are closely tied up with the problem, their interests being with the employing group. It must be remembered, however, that there are large numbers of the public whose immediate occupational concerns are not industrial. Such are the women employed in work in the home, the professional classes, government employees, and the great body of agriculturists.

In advancing their own particularistic interests, the laboring and employing groups are indirectly injuring themselves and the rest of the people. If the workers are striving to get the highest wages possible and the employers to secure the greatest profits, the prices of all commodities are raised. Consequently the purchasing power of both workers and employers is lowered as is that of the rest of the public. If the workers and employers are willing to limit production to advance their own immediate interests,

there are less goods for all and the general social prosperity is injured in the long run. If the workers and employers in one industry are willing to resort to the strike and the lockout to attain their ends, the workers and employers in another industry are going to do the same thing. The strike in the first industry may bring better wages to the men, but they will suffer indirectly in their rôle of consumers when the second group of workers is out on strike. Thus a strike in the coal industry, while it may win improved conditions for the workers directly concerned, is apt to bring suffering and privation to other workers and the rest of the people who have no part in the struggle. Such a strike also adversely affects the business of employers who have no connection with the coal industry but who need fuel for their own business.

In the strike, as in any other warfare, there are three parties, the immediate participants, and the great body of non-participants. The participants are the opposing forces actively engaged in the combat, employers and workers. The non-participants are the public. While not actually engaged in the struggle, the public is affected directly or indirectly by its outcome. These three groups are changing factors. Every fight sees a new battle array, a new group of non-participants. Every man engaged in industry is liable at one time to be actually taking part in the fight as employer or worker. At another time, he is part of the public, quietly watching the outcome of another struggle in which other employers and workers are the participants. The actual parties to the strike are in the minority. The public represents the great majority. The majority has the power to prevent the minority from fighting, but it lacks the unity and common desire to do so. It is an unwieldy body which only a great incentive or gross ill-treatment will awaken to coherent action. When once aroused it is invincible. The minority gains in compactness and uniform purpose what it lacks in numbers. Seldom is the majority sufficiently aroused by the minority's deeds to act as a body against it.

The number, frequency, and costliness of strikes, the stoppage they cause to production, the inconvenience and suffering they create force the people into a realization of the importance of this aspect of the industrial problem. At times this compels them to take coherent action through their agent, the government. While it is the strike which is the immediate concern of the people, the strike in itself is only a phase of the bigger problem. It is the outbreak into action of the unrest lying below the surface.

It is the warning of the possibly more serious struggle which may occur if employers, workers, and the rest of the public do not become sufficiently concerned to remedy the situation by peaceable means.

Kinds of Strikes

There are two kinds of strikes, voluntary and involuntary. The voluntary strike is the cessation of work by a group of workers acting together in an effort to force the employer's compliance to certain demands concerning the conditions of employment. The involuntary strike, commonly called the lockout, is the refusal on the part of an employer or group of employers to permit the employees to work until they comply with conditions laid down by the employers. Another form of involuntary strike, is the force brought by the employing group to compel the men to strike by deliberately breaking an agreement or imposing on them unbearable conditions. The difference between the voluntary and involuntary strike has been defined by the Massachusetts bureau of labor. The voluntary or "attack" strike is one in which the "cessation of employment results from a movement begun in the first instance by the employees." An involuntary or "defense" strike is one in which the "cessation of employment results from the initiative taken by the employer in making some change in the conditions of employment." [1]

Scope and Causes of Strikes

The strike may be narrow or wide in scope according to its importance and the issues at stake. It may comprise only the members of one trade in one firm, all the trades in that firm, or one or more trades covering the plants engaged in a particular industry or group of allied industries.

The most important causes of a strike develop from the question of (1) wages, (2) hours, and (3) union recognition. Other causes concern themselves with (4) the employment of certain persons, (5) employees working out of their regular occupation, (6) overtime work and pay, (7) method and time of payment, (8) Saturday as a part holiday, (9) dockings, fines, charges, (10) working conditions and working rules, (11) sympathetic strikes.[2]

[1] Groat, G. G., "Organized Labor in America," p. 162. See also pp. 159-203.
[2] *Ibid.*, p. 175.

Usually not one but several of these causes are behind a strike. Sometimes the real cause is suppressed and a fictitious reason which will arouse the public sympathy is given. Low wages and long hours are apt to secure more support from the people than a demand for union recognition and the adoption of union rules.

Weapons Used in Strikes

Both employers and workers make use of certain weapons to win the struggle and compel the other party to submit to their conditions. The public may also resort to certain measures to end a strike which has some very direct bearing on the public welfare.

Weapons of Employers. The employers and their associates possess a far greater proportionate share of the country's wealth than do the workers. They include in their group the most influential men in the nation. Their influence in the government, the courts, and the press is accordingly strong. The very fact that they own industry, control the land on which factories are located, own the buildings, the instruments of production, and the capital gives them great advantages. The ownership of the property about which a strike is centered enables the employer to command all the police forces of the state to protect his interests and guard the men he imports to take the strikers' places. Sometimes he contributes directly to the maintenance of some of these officials, and they become in effect his agents. Through their influence or control of the press, employing interests are also in a position to shape public sentiment to their own ends. They can bring pressure to bear on local officials to have them refuse the workers the right to hold meetings on public or private property. They can make use of the injunction, a civil writ issued to prevent possible injury to property or business. They may resort to a system of hired spies who go among the workers, fraternize with them, join their unions, find out what men are influential in the union. These workers may then be blacklisted, that is placed on a list of undesirable employees. They find it difficult to secure work after the strike and can rarely return to their former positions. The employer often has the greater reserve power and can afford to fight longer than the men. The issues at stake are in many cases not so great for him. The strikers may be fighting to obtain wages sufficient to enable them to live with some degree of comfort and safety or to shorten hours oppressively long. The

employer may be engaged solely in a struggle to prevent the men from joining a union. While such an issue may seem very vital to him, it does not affect his very life and that of his family.

The family of the employer does not suffer the privations which the laboring man's family must endure. The one is scarcely conscious that an industrial struggle is going on. The course of its existence is ordinarily little disturbed. The other's comfort and happiness are endangered. The union pays strike benefits, but these are often very small. Sometimes food only is given the strikers' families who have no funds of their own to tide them over the struggle.

Weapons of Labor. While the employer has in many ways an advantage in industrial strife, labor is essential to his enterprise. Ownership of factories and control of capital will not enable an employer to carry on his business if he has not workers to make these possessions effective. If he cannot secure strike breakers in sufficient numbers and the strikers can hold out long enough, they may be able to paralyze his business and to bring him to terms. They take all measures possible to bring the strike to a successful end. After a strike is called the union, if it is not prevented, establishes pickets. The pickets try to persuade persons who continue work to stop. At first they use persuasion. Later they may resort to threats or even force.[3] The strikers use every other means possible to prevent the employer from bringing in outside workers. If permitted by local authorities they hold public meetings in which the strikers' cause is persuasively presented and the employer is made to appear in the wrong. Like the employers, they give their side of the struggle all the publicity possible in order to win the public's support. Outbreaks of violence sometimes occur. Strike breakers may be killed. The employer's property destroyed. This is not done under the union auspices, although refractory locals may go to extremes not countenanced by the national body. Such acts give the employer an excuse to secure injunctions to protect his property, to ask for police and militia to guard the men he has imported to replace the strikers. The workers may go further and boycott the employer's business, that is refuse to purchase goods produced by him. The boycott is primarily used as a weapon independent of the strike. Its effectiveness has been greatly curtailed by legal prohibitions placed upon its use. An indirect boycott, however, is employed

[3] The use of picketing as a weapon was curtailed in 1921 by the decision of the Supreme Court in the case of the American Steel Foundries *v.* Tri-City Central Trades Council.

quite generally by the federation. By this boycott employers hostile to union practices are reported to all labor organizations in the cities in which their goods are handled and distributed. The workers may resort to the injunction but this is seldom done and is a weapon more effective in the hands of employers than of workers. The New York Cloak Makers' Union did secure an injunction against their employers' association. This association was enjoined to abandon its scheme of introducing piece work, lowering wages, and lengthening hours. These measures were held to be contrary to the agreement made with the union.[4]

Weapons in Practice (*Employers*). *Ownership of Property.* The actual way some of these weapons are used in a strike is well illustrated by the strike of the coal miners in West Virginia. This controversy between miners and operators has been going on for years. The greater part of the bituminous coal industry is unionized. The most important fields still ununionized are located in West Virginia. The United Mine Workers of America have made great efforts to unionize these fields. The non-union operators have been equally determined to prevent them from doing so. In this struggle, the advantages accruing to the ownership of property are peculiarly evident. Towns practically owned and controlled by the operators have been built around the mines. The miners live in company houses. They buy their provisions at company stores. Sometimes their churches, their schools, their places of amusement, are located on company property, have been built by company funds, and are in some respects under company control. While such a paternalistic arrangement may bring to the workers advantages they would not otherwise enjoy, while such an arrangement may have been necessary when the towns were first formed, it renders the workers dependent to a deplorable degree on the company. When the men in Mingo county went out on strike to force the operators to recognize the union, they were evicted from their homes. A test case was taken to the courts. The operators were able to set up the contention that the relation between employer and employee was that of master and servant rather than of landlord and tenant when the latter rented a house from the former. Under this interpretation, the miners had no security of residence. Their homes were subject to immediate confiscation should they strike or be discharged. As the houses owned by the coal companies were the only dwellings available, the miners' condition was in some instances pitiable. Many striking miners lived in tents through summer and winter

[4] *The Independent and Weekly Review*, February 21, 1922, p. 53.

and were subjected to great hardships. Through the union, they obtained funds sufficient to sustain life.

Injunctions. The West Virginia strike also furnishes an excellent example of the way injunctions may be employed to break a strike. In Mercer and McDowell counties the employers resorted to contracts to keep their men from joining the union. These contracts, commonly known as "yellow dog" contracts, bound the men neither to belong to a labor union during their employment nor to "aid, encourage, or approve" the formation of such a body. The operators were able to secure an injunction forbidding the union from making any effort to unionize men working under these contracts on the ground that such an attempt would amount to soliciting a breach of contract and so would be unlawful.[5]

A more sweeping injunction was issued in 1921 by Judge A. B. Anderson of the federal district court. By this injunction, the United Mine Workers of America were forbidden to attempt to organize the miners of the Williamson field, one of the large coal districts lying in West Virginia and Kentucky. The use of the check-off was also enjoined. The check-off is a practice by which miners' dues are collected. An agreement is made between employers and the union by which these dues are automatically deducted from the men's wages by the operators. It is a system which insures to the union the payment of its dues. This system is employed throughout the great central competitive coal field which extends from the Pittsburgh district west to Illinois and is strongly unionized. Therefore, this entire territory was affected by the injunction. Judge Anderson issued the injunction on the theory that a conspiracy existed between the miners and the operators of the central competitive coal field. These two factions, he said, had conspired to force the union on the ununionized field of West Virginia. If successful this conspiracy would raise the cost of production in these mines and destroy the existing competition between them and the union mines, virtually creating a monopoly. Such a move would be in direct contravention to the Sherman Anti-Trust Act. The check-off system, he held, furnished the United Mine Workers with the funds necessary to carry out the attempt. He thus forbade its use despite the fact that operators and miners in the central competitive field had contracts providing for its employment. This sweeping injunction was a crushing blow to the union. It was appealed to a higher court and shortly after was ordered suspended, pending modification. The portion dealing with the check-off was reversed.

[5] Hitchman Coal and Coke Company *v.* Mitchel.

Under-cover Men, Armed Guards, Deputy Sheriffs. Other practices employed by some of the West Virginia operators to keep the union out were the hiring of under-cover men, of armed guards, and of deputy sheriffs. The secretary of the Williamson Coal Operators' Association justified the employment of spies by saying: "We claim that we have a right to employ secret service men, or detectives to protect our interests. We want to know what our men are doing, what they're talking about. We want to know whether the union is being agitated." One of the under-cover men, appearing before the Committee on Education and Labor of the United States Senate which was investigating the trouble in West Virginia, stated that he had belonged to the union, had been one of its trusted workers, had had his expenses paid to its conventions. At the same time he had been making regular reports to the detective agency by which he was employed in behalf of the mine operators. In this way, they were kept informed as to union activities and were in a better position to forestall the moves of organized labor.[6]

Armed guards and deputy sheriffs operate openly. Armed guards are private employees who are used as watchmen on the operators' property. Deputy sheriffs are supposedly public officials, pledged to serve the whole community, yet sometimes they are paid for their services by the coal operators. It has been frankly admitted to persons investigating conditions in West Virginia, that these deputies serve the public by keeping the union out. Miners and other less interested persons testify to the lawless and brutal acts of these officials toward persons suspected of union sympathies. In 1923 investigations of the Voluntary Committee of Inquiry on Coal and Civil Liberties showed that this practice was not confined to West Virginia. It exists in time of industrial peace as well as in time of strife. The data collected showed that deputies so paid are not and cannot be disinterested officials administering law and justice. Seemingly they are employed and discharged by a company at will and in what numbers it sees fit. They must of course be commissioned by the sheriff, but often they are selected by the company. During the coal strike of 1922, it was estimated that in Fayette County, Pennsylvania, a maximum of one deputy to every twelve miners was employed. In laying the results of their investigation before the United States Coal Commission, the committee said: "We hope that your Commission will consider whether the existence of such forces of public officials drawing their compensation from private

[6] *The Survey,* October 22, 1921, pp. 110-112. Article by Winthrop D. Lane.

sources is not an anomaly in our system of government, and a threat against the impartial application of the law and the fair maintenance of civil rights." [7]

Weapons in Practice (Union). While the union could not eject the operators from their own property and had no interest in securing injunctions or hiring deputy sheriffs, it fought its battle in West Virginia with the weapons at its disposal. It appealed the injunctions brought against the union. It constantly attempted to unionize the men in the face of legal and physical obstacles. Its members did not scruple to employ violence. Large sums of money to carry on the struggle were sent into West Virginia by the national organization. It was estimated that in the year ending August 1, 1921, $1,000,000 was contributed by the United Mine Workers. While it was clearly shown that arms and ammunition were purchased by union members, the United Mine Workers claimed that the money used for such purposes came from the local unions and that none of its funds were so used.[8]

Sometimes the union miners were provoked into employing force. Thus, when thirteen armed Baldwin-Felts agents were sent to evict employees of the Stone Mountain Coal Company because they had joined the union, violence ensued. The result was the death of ten people, seven of the Baldwin-Felts men and three others. Sometimes the union miners deliberately planned attacks on the property of non-union coal companies and on persons known to be hostile to the union. Much violence of this kind occurred in Mingo county where the topography of the country made it easy to carry on a kind of guerilla warfare. A three days' battle in this county in which shots were exchanged on both sides resulted in the declaration of martial law. Later the state was compelled to call in federal troops to suppress disorder in connection with an armed march of several thousand miners. The inhabitants in the territory through which they marched were terrified. Citizens, deputy sheriffs, non-union miners, and a small force of the state constabulary assembled to oppose them. Shots were exchanged and several persons killed. When the United States forces appeared, the miners disbanded and returned home. The exact purpose of the march was not known. Several accounts were given. One claimed that the miners intended to march to Mingo county to protest against the régime of martial law there. Another story affirmed that the miners intended to seize the mines in Logan county and compel the employers to recognize

[7] New York *World*, September 2, 1923. Article by Winthrop D. Lane.
[8] New York *Times*, November 1, 1921.

the union. A third stated that it was an uprising without definite goal or aim.

Senator Kenyon, chairman of the Senate Committee which investigated the strike, said concerning it: "There have been violations of law on both sides of this controversy. There has been arrogance upon both sides, seeming to indicate that, in the opinion of some of the leaders, the question was entirely one between the operators and the workers. . . . The whole story of this contest, however, is one of disregard for and breaking of law; of denials of constitutional rights; of a spirit of suspicion, hate, and retaliation on both sides that does not augur well for industrial peace in that portion of the state." [9]

Weapons Employed by the Public, Mediation and Arbitration. When a strike occurs which threatens to greatly inconvenience the public or menace its welfare, the people are aroused to coherent action to bring it to an end. Public opinion may force the opposing factions to come together and effect some settlement acceptable to both. Public spirited individuals may mediate in an attempt to solve the difficulty. The parties may be induced to submit their difficulties to an impartial arbitral body. Government agencies exist to facilitate the peaceful solution of industrial disputes. If empowered, they may take action themselves or they may be resorted to voluntarily by the disputants. An investigation of the controversy with a publication of the findings may then follow. This will aid the public in forming its opinion and in throwing the weight of that opinion against the offending party.

Protection to Workers Replacing Strikers. The public also has more strenuous measures at its disposal. Acting through its agent, the government, it may employ these means when it feels the character of the strike merits such action. State or federal troops may be called out to insure continuity of production and prevent disorder. Thus in the coal strike of 1922 when both bituminous and anthracite miners were on strike, President Harding, feeling that the mines must be operated at any cost in the interest of the people, urged the operators to open the mines. He told them to secure what workers they could and promised to protect the workers in their constitutional right to work by federal forces if state forces proved insufficient.

Injunctions. Either state or federal government may issue injunctions to control the acts of the strikers. In the railroad shopmen's strike of 1922, occurring at the time of the coal strike

[9] *The Survey,* February 4, 1922, p. 722. Article by Winthrop D. Lane.

and greatly complicating the situation, the government issued a sweeping injunction. The strike had been characterized by lawlessness and destruction of railroad property. Anxious to bring this situation under control and to end the strike as rapidly as possible, the government enjoined the strikers from doing, saying, or writing anything to cause a railway employee to leave his work or to keep any one from entering the employ of the railroad. It forbade strikers from engaging in picketing or from interfering with employees going to and from work either by threats or by entreaties. It ordered the striking workers to refrain from hindering the inspection, repair, or equipment of cars or locomotives or from conspiring to hinder transportation. They were forbidden to loiter near the places of ingress or egress of employees, to trespass on the premises of the railroad where men were working, or do them bodily injury or obstruct in any way the operation of trains.

Emergency Power of Interstate Commerce Commission. If the strike creates a public emergency as did the coal and railroad strikes of 1922, the Interstate Commerce Commission has power to act. It can declare that a national emergency exists and can make priority shipments. In this way it can see that the essentials of life such as food and fuel have the right of way over other shipments and go to those parts of the country needing them most.

Conclusion

The government has more stringent weapons to employ against the strikers than against employers. This condition holds true through the protection afforded by law to private property. On the one hand, the employers have a legal right to operate their business, hiring any workers they see fit, at any wages which they can induce the men to accept, under any conditions which are not contrary to law. They have the right to protect men replacing workers on strike. On the other hand, the workers have no rights in the industry after they have once struck. They cannot prevent other persons from taking their jobs, nor can they win a strike where sufficient workers can be found to replace them.

When the government steps in to bring a strike to an end, the measures immediately available tend to work against the striker in favor of the employer. Police forces subdue disorder on the part of strikers and afford protection to the employer's prop-

erty. Injunctions prevent the workers from even influencing other men to stop work. But when the government seeks to coerce the employer its ground is much less secure. Its control over profiteering is very tenuous. Yet profiteering at the public's expense is an evil indulged in by unscrupulous business men whenever a great emergency creates a scarcity and offers the opportunity for increasing prices. President Harding in his strike message to Congress concerning the railroad and coal strikes of 1922 stated that no legal powers for the price control of coal existed. While some operators gave their loyal coöperation to the government's efforts to keep down the price of coal, others flatly refused to do so. The lack of authority of national and state governments over prices is paralleled by their circumscribed power over wages and in some cases working conditions in industry.[10]

Thus the government when it undertakes in the public's interest to break a strike may work a hardship on the striker. It may be instrumental in forcing him back into oppressive conditions which he struck to escape and cannot at the same time offer him the legal assurance of equitable wages and working conditions. For this reason the people, if they must use their power to break a strike, should not forget to seek the causes behind the conflict. If abuses exist they should use their united effort to have them corrected.

[10] Charles Wolff Packing Company *v.* Court of Industrial Relations of the State of Kansas, *Monthly Labor Review*, July, 1923, pp. 208-217. Atkins, *et al.*, Constituting the Minimum Wage Board of the District of Columbia *v.* Children's Hospital of the District of Columbia, 261 U. S. 525-571.

XIX

SOME OF THE PEACEFUL MEASURES USED BY WORKERS AND EMPLOYERS TO SOLVE THE INDUSTRIAL PROBLEM

The strike or lockout is ordinarily the weapon of last resort for both workers and employers. Under normal conditions it is costly to both, and they prefer more peaceful measures to attain their ends. These measures also serve to avert strikes. They attempt to settle the relations between employers and workers in a temporary and palliative way. If they fail, the strike stands in the background as an effective threat. It has even been used to force the hand of the government and secure legislation establishing the basic eight-hour day in the railroad industry.

Legislation

Legislation is one of the methods employed by unionists to secure better working conditions for large groups of workers without resort to the strike. Labor laws do not always originate with the workers but ordinarily are supported and promoted by them. As a result of their efforts and those of other public-spirited individuals, labor laws have been passed which benefit not only the workers but more indirectly the general public as well.

Many of the states have working men's compensation laws establishing the worker's right to medical care and financial indemnity in case of accident. Regulations have been made concerning child labor setting a certain age under which no child can work. This age varies with the different states having such laws. The possible injurious effects of long hours for women have been one of the factors inducing the passage of laws limiting their hours of work. In certain arduous and difficult jobs, the hours of all workers have been limited. Safety and health measures are required of employers. It has been generally accepted in theory that the worker has a right to a normal life, time for work, rest, recreation, home and social life; that he is entitled to

a living wage for a fair day's work. The public interest is best secured when the worker's life is conserved. His power to work is extended over a long period rather than consumed by excessive hours. Much has been done along these lines in the various states, but much still remains to be accomplished. It is toward the extension of humane and beneficial laws to cover all workers in all states that labor is striving.

The American Federation of Labor and the state and city federations watch national, state, and local legislation to bring pressure to bear to have laws favorable to the workers passed and those unfavorable defeated. The federation does not believe in direct political action. It believes that if the unions become involved in politics, they will neglect their more important functions. The federation rather "rewards friends and punishes enemies."

Despite this attitude of the federation, a growing sentiment for independent political action seems to be developing in the labor group. Socialists, farmers, and workers have combined forces. They have not only participated in non-partisan activities but have directed their efforts to the formation of independent political parties. Labor and farmer-labor parties have been formed in several of the states. In some instances they are supported by the state and local central bodies of the American Federation of Labor. In Minnesota, the Farmer-Labor Party in 1922 was successful in electing two United States senators. So far attempts to bind the various state groups, farmer, labor, and socialist, into a united national party have proved futile. The majority of workers are not yet ready to support such a movement, and their conservative leaders are actively opposed to the idea.

On the other hand, legislative action is losing some of its popularity with trade union labor. While it has sometimes brought permanent gains, it has at others been set aside by court action. In the latter case the time, money, and labor expended in educating public opinion and securing the passage of labor laws are wasted.

Collective Bargaining

Collective bargaining offers a more direct and inexpensive road to immediate results. It is, therefore, universally employed by unions. The union is not absolutely essential to collective bargaining. In its simplest form, representatives of the workers and

the employer in a single shop come together and carry on joint negotiations regarding working conditions. The workers may or may not be members of a union, but they must be sufficiently in accord to come together and vote for common representatives whom they can entrust with their interests.

The second industrial conference called by President Wilson during the war defined two types of collective bargaining: "One in which the employees act as a group through the trade or labor union: the other in which they act as a group through some other plan of employee representation."

When the bargaining is conducted by the union, it may be carried on by a committee of employees within the shop or by outside union representatives of those employees. The unionist holds that the very system of collective bargaining presupposes a union. The word, "collective," means a massing or bringing together. He believes that men can most satisfactorily agree to uniform action if they are connected by strong ties. He claims the collective agreement has greater force and is more uniformly obeyed when there is a union background. The workers have a sense of mutual membership in a common organization having as its purpose the bettering of their interests.

Under union control, collective bargaining can be conducted on a wide scale covering whole series of plants engaged in similar work. All the employers and laborers in these plants agree to abide by the decisions reached. The element of competition in labor is largely done away with. Every employer pays every employee doing a certain type of work a stipulated minimum wage which is raised or lowered by all at the same time. This tends to standardize the wage rate and the amount of work produced. It also exposes the public to the dangers of a labor monopoly and to collusion between workers and employers which may adversely affect its interests.

The trade union, through collective bargaining, takes advantage of fluctuations in the labor market. It seizes advantageous times to increase wages and during times of depression protects the laborer and maintains the wage level wherever possible. Because of the union's desire to standardize working conditions as extensively as possible in a given industry covering a given area and so to reduce the dangers incident to labor competition, it seeks to promote collective bargaining under the most favorable conditions, the closed or union shop.

The Open and Closed Shop

The Open Shop. The terms open and closed shop are commonly used to designate establishments run according to the wishes of capital and labor. The open shop, broadly speaking, is a shop in which both union and non-union men are employed. In the open shop no man is compelled to join a union to secure a job. The employer is free to impose his own restrictions on the conduct and government of his men. He may run the shop on an autocratic basis, allowing the men no voice in the settlement of working conditions. He may adopt some method of collective bargaining and negotiate with them through shop committees in which his interests and theirs are equally represented. The open shop is based on the theory of individual rights. It is the shop most widely approved by employers for it gives them the greatest freedom in negotiating with and controlling their workers. Very often the term "open" is a misnomer. The so-called open shop is closed to union workers and becomes in actuality an anti-union shop.

The Closed Shop. The unionist who can find no justification for the anti-union shop enthusiastically supports one which bars non-unionists. This attitude dates back to the days of the first labor organizations. It is the natural reaction of the group against the individual too selfish, too blind, too original, or too individualistic to conform to group customs and promote group interests. The unionist objects to working with such a man. In a closed shop all the workers are united on a common ground. The unionists claim that the closed shop protects labor, furnishes the most satisfactory medium for collective bargaining, and minimizes friction among the workers.

The closed shop is a shop run according to union rules. It is closed to all non-unionists. Supposedly a man has only to join the union to be admitted to a shop of this kind. If, however, the union has strict membership rules, it may be impossible for a person to become a member. In that event he is shut out of the shop not because he is a non-unionist but because he is not permitted to join the union. A situation of this kind may arise, but it is the exception rather than the rule. The closed shop is ordinarily accepted by the employer only under coercion. He claims that in such a shop labor has a monopoly, usurps the authority of the employer, and is in a position to dictate working conditions.

Open Union Shop. All union shops are not closed. In the open union shop, the employer voluntarily agrees not to discrimi-

nate against the union, to bargain with union representatives, and to run his shop according to union rules. The union in turn recognizes the employer's right to employ whom he pleases, unionist or non-unionist, and agrees not to interfere with that right. This type of shop is provided for in the Rochester agreement between the clothing manufacturers of Rochester and organized labor.

Preferential Union Shop. The preferential union shop employs both union and non-unionists. It is conducted according to an agreement with the union and gives preference in hiring and discharging to union workers. As long as the union can supply union men acceptable to the management they are employed. If the union is short of men and cannot furnish satisfactory workers, non-unionists can be hired. If there is a question, in time of slack business as to whom shall be discharged, the union employee is retained. This type of shop has been widely adopted by the clothing manufacturers.

The open union shop and open shop which permit collective bargaining represent a compromise between capital and labor. The open union shop, while it forces the non-unionist to submit to union rules, permits him to secure employment. In such a shop the employer is not compelled to hire union members only, but he must recognize and bargain with the representatives of organized labor who are perhaps best fitted to care for the interests of labor as a whole. The collective agreement in such a case has a powerful group force behind it and is likely to be enforced. It can be made extensive to cover all the like industries of a given locality or localities and so permits of a more equitable wage for there is less underbidding in the labor market. The open shop which does not recognize the union and bargains with its men through a local shop committee loses the advantage of the wide agreement and the stability of the strong labor organization. Usually the manager's word is final in a shop of this type. This means that even in matters concerning labor conditions, the worker is not granted an equal voice with the employer.

Workers' Representation in Industry

The collective or trade agreement is the result of collective bargaining between representatives of workers and representatives of the management. It means a recognition of the principle of giving the workers a voice in matters directly concerning their special interests. The workers may or may not be organized. But the collective agreement negotiated through the trade union

is ordinarily more effective and stable than that made between unorganized employees and the management. A trade agreement may be verbal and temporary. In such event it is virtually but partially developed. The completed trade agreement is written and definite. It extends over a stated period of time, usually a year or more. It deals with such questions as wages, hours, the time of starting and stopping work, overtime payments, holidays, shop rules, sanitary and health conditions, apprenticeship rules, regulation of output, the discharge of employees, labor disputes, and any other matter entering into the working relations. It may also provide for some fixed means of settling labor controversies.

The Rochester Agreement. A good example of such a compact is the Rochester agreement. This agreement was negotiated between the Clothiers' Exchange of Rochester, New York, a strong employers' organization, and the Amalgamated Clothing Workers of America, a strong labor union. Its purpose was to promote industrial peace by prescribing working conditions mutually satisfactory to workers and employers and by providing some peaceful means of settlement should a dispute arise. It was first negotiated, April, 1919, and has been renewed several times since. The third agreement was made in May, 1922, and was to continue in force for three years.

Under this agreement certain rights were confirmed to employers and workers. The agreement provided for an open union shop. The employer's right to hire whomsoever he desired was acknowledged, but the union was recognized as the agent for all the workers in all transactions with the employer. One restriction was placed on the latter's power of hiring. In time of unemployment he was required to give first consideration to persons who had been employed in local shops working for members of the clothiers' exchange. His authority to discharge and discipline was recognized but was subject to certain limitations. It must be exercised by an authorized representative of the management who must consider the "reasonable rights of the employee." If the union found that an employee had been discharged without just cause, it might appeal the case to the machinery established for settling disputes. The employer's right to make changes in shop management and methods of manufacture was affirmed, but they had to be made without loss to the employees directly concerned. The principle of equal division of work was asserted and provision was made for dividing the work as far as possible among all the workers during slack periods.

Employers were required to recognize the obligation of union members to pay their dues. The forty-four hour week was established. Payment of time and a half for overtime was allowed. No reduction or raise in piece rates, standards of production, or wages of week workers might be made during the life of the agreement without the mutual consent of both parties. If changes in the established wage levels were deemed essential and no accord could be reached, a method was available by which the agreement might be terminated. A thorough investigation of conditions and ample notice of termination were required before such a step could be taken. This opened the way for peaceful negotiations and a new agreement without resort to a strike.

During the life of the agreement, all stoppages were prohibited and workers breaking this rule were disciplined. Provocation for direct action was declared to be non-existent as the agreement provided for an orderly adjustment of all differences. The employees in every shop were empowered to elect representatives to take up their cases with the appointed representatives of the management. If they were unable to agree, a union representative was called in. If then no settlement was reached, the matter went before the arbitrator. The arbitrator was chosen and paid by both parties to the agreement. He was available at all times for prompt hearing and decision of cases. His judgment was final. His duties and jurisdiction were limited to the terms of the agreement, and he had no power to enlarge the scope of his activities except with the mutual consent of both parties.

This method of deciding disputes differed somewhat from that previously in effect. Formerly a labor adjustment board, composed of representatives of workers and employers and presided over by an impartial chairman, handled questions not decided by local conference. Each side had an equal vote, regardless of the number of its representatives. In case of a tie, the impartial chairman cast the deciding vote. Except when the board determined otherwise, the chairman was authorized to take original jurisdiction of all cases and to adjust them in accordance with the terms of the agreement and the rules of the board. In practice, the chairman became to all intents and purposes the judge of practically all differences. The main function of the labor adjustment board proved to be advisory. As advice could be obtained from either side without the assistance of the board, it was not regarded as fundamentally necessary. It was therefore dropped from the new agreement. Whether it was wise to dispense with such a body is questionable. It acted in a legislative capacity,

considered new questions as they arose, and gave advice on difficult cases to the chairman. It brought together representatives of workers and management in regular meetings where they could discuss as a body cases and problems. The board represented the whole industry and so could survey the entire field of industrial relations between the parties to the agreement. Its powers were wider than those granted the arbitrator under the new agreement. Through these powers, an elastic means was provided of changing wage scales and working conditions to conform to changes in the industry. This feature was likewise missing in the new agreement where alterations in wage scales were less readily made and were recognized as a possible cause for termination. Whether the board developed the latent possibilities inherent in such a body or not, its elimination meant the loss of one of the best features of an agreement of this kind, the necessary regular contact between the representatives of workers and employers meeting as a body to discuss problems for the entire industry.

The Cleveland Agreement. The Cleveland agreement between the Ladies' Garment Workers' Union and the manufacturers' association, negotiated in 1918, was similar in many respects to the Rochester agreement. Under the Cleveland agreement no strikes or lockouts were recognized, an impartial machinery was established for settling disputes, and wages were standardized. The outstanding feature of the Cleveland agreement was the arrangement which was made for reducing unemployment to a minimum. Each manufacturer guaranteed his employee 20 weeks' work with pay out of 26 weeks in the half year. An extra week was allowed for vacation with pay, making a total of 41 paid weeks guaranteed in the year. If the worker was out of employment for six weeks out of the half year, he received no wages during that time. If he was laid off for more than that period of time, he received two-thirds of the minimum wage set for the type of work in which he was employed. No employer was liable for more than 7½ per cent of his total productive labor pay roll for six months. Should unemployment be so great that if the employer paid the amount agreed upon he would have to expend more than this proportionate sum, the amount paid each worker was reduced and each received pro rata payments. As a safeguard each employer submitted a weekly report showing the number of employees, the number of hours they were employed, the number of hours they were laid off, and the amount of money paid.

The result of this arrangement was better coöperation, in-

creased efficiency, and a real saving to the employer from the reduction in the labor turnover. In order to keep from paying wages to men out of work, the employer was stimulated to increase production and to find a market for his products.

The trade agreement furnishes workers and employers with a common ground of mutual interest. It prescribes working conditions acceptable to both, often lays down a method for peaceful adjustment of disputes, and helps to secure industrial peace. It puts collective bargaining in a definite and stable form and when developed recognizes and works through the trade union. The workers have heralded agreements such as the Rochester and Cleveland agreements as the "beginning of joint industrial control." To a certain extent this is true. They grant the workers a joint control of conditions directly affecting them, but make no pretense of giving them a voice in the actual conduct of the business itself,—the election of officers, the securing of capital, the purchase of supplies and machinery, the marketing of the product.

Other Forms of Employee Representation Outside the Unions

Other forms of employee representation are carried on entirely outside the unions. They are adopted by employers willing to bargain collectively with their men but opposed to the union or they are set up in industries where the workers are largely ununionized. This is the second type of collective bargaining defined by the government—collective bargaining through some plan of employee representation other than the trade or labor union.

The Government Plan During the War

During the war employee representation was promoted by the government in firms where no machinery for collective bargaining or means of representation existed. Under the government plan the workers elected representatives to meet with the appointed representatives of the employer. Each department or section of a shop was entitled to one representative for every 100 employees. Craft representation was followed as far as possible. The policy of giving proportional representation to occupational and other natural groups, including women, was advised. The shop committees were expected to adjust disputes and pass on cases. If no satisfactory agreement could be reached in these local divisions, the matter might be referred to a higher committee, the general

works committee. This body was likewise a joint group composed of employers' representatives, usually managers or department heads, and representatives of the employees who might be chosen from the shop committee members or selected from the workers at large. This higher body constituted a court of appeals. It also served as a mediator between the body of workers and the management. It had certain legislative functions such as determining wage rates, shop rules, bonus, etc. Unlike the plans promoted by the union, the final authority in the government plan did not rest jointly with workers and management but with the head of the works who had the veto power. In other words the plan was "joint" up to a certain point only. Partly to meet this objection, some of the shop committee schemes provided that in case the employer's decision was unsatisfactory to the workers, resort could be had to outside arbitration. Under the government plan the true open shop prevailed. The employers agreed not to discriminate against union men while the unions agreed not to use the shop committees as means of obtaining recognition. This plan and others of a similar nature were established in many plants in which employers were anxious to secure good working relations with their men but were unwilling to recognize or work through the trade union.

In addition to schemes giving the workers a voice in conditions directly affecting themselves, experiments have been made with a more comprehensive form of employee representation, with bonus and profit-sharing plans, workers' insurance, welfare work, and other devices. By these means thoughtful employers have endeavored to secure the good will and coöperation of their employees and to find a solution for the industrial problem as it affects the relations of capital and labor.

The Filene Coöperative Association

An excellent example of the manner in which these devices are applied is the system established by the William Filene Sons' Company, Boston. Every person who regularly enters the employ of this company becomes a member of the Filene Coöperative Association. He automatically pays dues to the benefit society of the F. C. A. through the deduction made from his pay envelope by the company. The dues are small, eight cents a month on every dollar of wages received per week. For instance, if an individual received twenty dollars a week, he would be required to pay in dues one dollar and sixty cents a month. In

return he would receive certain sick or accident benefits which would accrue to him if he were too ill or disabled to work. These would be paid weekly at the rate of three-fourths of his weekly salary. No benefits could exceed $45 a week, could extend over more than 26 weeks in any one year, or could be paid for an absence of less than 7 working days' duration.

The benefit society of the F. C. A. annually elects a board of governors, consisting of the officers of the association and four additional members. This board has general supervision over all the activities of the society and is the final authority in deciding disputed claims for benefits.

The F. C. A. council is the legislative body for employees. It is composed of one representative from each section of the store, the officers of the F. C. A., and the F. C. A. members on the company's directorate. The council has power to make the rules governing the discipline and working conditions of employees and to take up wage agreements with the management. It also carries on social and other activities by means of committees.

The board of arbitration is made up of one representative elected from each section of the store and of a chairman who is appointed by the president of the F. C. A. The board is entrusted with the responsibility of securing "justice in the administration of the work of the Store, and its duty is to see that justice prevails either by initiating an inquiry or by granting a hearing to any member of the F. C. A." Its authority extends over all cases in which an employee desires to appeal the decision of persons above him in position, of the corporation, or of any committee. The board deals with such cases as reductions in position or wage, transfers, requests for promotion or wage increase, missing sales, shortages, lost packages, breakages, torn or lost garments, differences between employees, vacation wages, payment of insurance, differences between members of the F. C. A. and committees of the F. C. A. The board's decisions are final. In this the board is unique for it is composed wholly of employees and there is no appeal from its decisions. This then gives the entire management of conditions directly affecting the workers into the hands of the workers. Any employee discharged by the firm who appeals his case cannot be compelled to leave his position unless the elected representatives of all the employees approve his discharge. No reduction in wages brought to the attention of the board can be made without its approval. Unlike the average shop committee set up in open shops, the final authority is not the employer or his manager. Unlike the agreement between the cloth-

ing employers and unionized labor, the final decision does not rest with an impartial chairman. It is in the hands of the elected representatives of the employees.

The William Filene Sons' Company has another interesting feature in its dealings with employees. Non-stock holding employees elected by the workers are admitted to membership on the board of directors and in this way have a voice in the policy of the firm. As they are directly responsible to the workers for the part they play, the employees have an indirect hand in the directorship of the business in which they are employed.

The wages paid at Filenes are in advance of many department stores. In addition to wages, the workers receive a commission on sales and a bonus. A 20 per cent discount is allowed employees on purchases. There are certain exceptions to this privilege such as advertised merchandise. Anything not actually carried in the store can be secured through the supply department for practically cost. Luncheons are furnished at slightly more than cost in a lunch room supplied by the firm and operated and managed by employees. Coal and groceries can be bought on the coöperative plan at considerable saving through the F. C. A. Medical service in the store clinic is furnished employees free of charge and they receive special rates from a dentist and oculist with whom arrangements for such service have been made. A bank whose officers are elected by the workers and whose funds are secured affords a safe place for the employees to invest their savings and receive interest at 5 per cent. The association furnishes free legal advice and lends money to its members at a low rate of interest. The F. C. A. has educational facilities and runs courses for culture and business. A library for employees, furnishing books for home reading at low charge, a rest room, and club rooms are among the other privileges enjoyed. Social events, an athletic department, various clubs, and an F. C. A. newspaper bring the employees closer together and promote solidarity, friendship, and enthusiasm in work.

Conclusion

Persons who favor company unions and other schemes of employee representation such as the government plan of shop committees, ordinarily do so at the expense of the trade or industrial union. Such schemes replace the union and defeat union aims. Advocates of these private plans claim that they promote industrial efficiency, give the workers a voice in conditions affecting

themselves, promote the employees' education and well-being, create an atmosphere of good will between management and men, and permit the employer to conduct his own business without resort to the union and its coercive restrictions.

The union asserts that private plans of employee representation and welfare are largely controlled by the management. Often elections are unfair because propaganda and undue influence induce the workers to vote for representatives approved by the employer. The workers' representatives on joint boards or committees sometimes fear to uphold the workers' rights lest they lose their chances of promotion or their positions. No provision is made for outside representation. The workers lose the advantages of expert advice which is furnished by the competent union delegate with his broader survey of industrial problems. The company union has not the resources to sustain a strike. The union embraces only a small group of workers and others can be readily found to take the strikers' places. It is more or less dependent on the continued liberality of the management. It cannot influence and promote the welfare of fellow workers not fortunate enough to be employed by a firm with democratic labor policies. While a few individuals may receive many benefits in a company union such as the Filene Coöperative Association, the great mass of workers remain unaffected. The trade union opposes the company union and denounces its members as individualistic. They are unwilling to sacrifice some of the privileges they have attained through a liberal management by joining with the body of unionists to improve the conditions of workers as a whole through legislation, trade agreements, strikes, and publicity.

All the measures employed by employers and workers for solving the industrial problem tend toward giving the workers a greater share in the control of industry. In the great majority of cases, this share extends only to matters directly affecting the employees' interests. Democratizing industry to the extent of permitting the workers an actual participation in all phases of the business, in the outside market as well as within the shop, remains, generally speaking, an ideal. The great mass of workers are well content if they are given a voice in the matter of hours, wages, and working conditions. Only the few desire a more complete partnership with capital. The radicals go still further, contemplate the overthrow of the capitalist system and a democratic control of industry either by the workers alone or by the workers in conjunction with consumers.

XX

GOVERNMENT CONTROL OF INDUSTRIAL RELATIONS—VOLUNTARY AND COMPULSORY

Voluntary

State Boards. Like workers and employers the public through its agent, the government, has certain means at its disposal for the prevention of industrial disputes. Laws exist in a majority of the states which provide some method by which the government may offer its services should an industrial controversy arise or may give its sanction to some private agency to try to effect a settlement. Most of these schemes make provision for varieties and combinations of mediation and arbitration. Mediation is the intervention by an outside party between two opposing factions in an attempt to bring them together, find a basis for agreement, and end the difficulty. Arbitration is the submission of the dispute to an impartial body which after a hearing renders a decision.

The most successful and most widely adopted of the state systems for the settlement of industrial disputes provide for permanent state boards. In general these boards are patterned after those of Massachusetts and New York, the first states to establish them. They are appointive, are intended to act as mediators or arbitrators, giving their services when asked by the parties concerned. They are purely voluntary and awards are binding ordinarily only with the consent of the parties. They often provide for a public investigation of the dispute and for the publication of the findings. They have had a moderate degree of success. Their greatest defect is the charge brought against them of political influence. Owing their positions to the party in power, the members tend to be dominated more or less by party politics.

Department of Labor. While no federal board similar to the state boards exists, the Department of Labor maintains a mediation service. This service was created with the Department of

Labor in 1913. At that time the new Secretary of Labor was authorized to act as mediator in industrial disputes and to appoint commissioners of mediation whenever he considered that the interests of industrial peace required such action. The Department of Labor has built up a staff of mediators well-fitted because of their own experiences in business, professional, and industrial life to mediate disputes. When it first began its work, 70 per cent of the disputes in which its intervention was sought had reached the strike stage. In 1923 the Secretary of Labor reported that in less than 30 per cent of the cases handled, work had been suspended. From March 4, 1921, to June 30, 1922, 500 cases were acted upon. Three hundred and forty-five of these were satisfactorily adjusted by the department's mediators. Fifty-nine were adjusted by them in coöperation with local officials and agencies. Thirty-nine were pending at the time the report became public. Nearly 1,500,000 workers were involved in these disputes.

Federal Regulation of Labor Conditions on the Railroads. The best example of federal regulation of labor conditions in any particular industry is that of the railroad industry. Any serious interruption to transportation would be a national catastrophe causing suffering and deprivation to large numbers of city dwellers dependent on outside markets for food. It would mean the stopping of many industries which could not continue production without fuel and raw material. It would cause great loss to the farmers whose produce could not be shipped to the distributing centers. For these reasons continued transportation is essential and government regulation of railroad labor imperative.

Erdman Act. As early as 1888, the first federal law providing some way of settling labor disputes affecting interstate traffic was passed. This law is of little importance as it remained practically inactive throughout its life. It was replaced in 1898 by the Erdman Act. This act was limited in its jurisdiction to disputes involving workers actually engaged in operating the trains. It provided that at the request of the carriers or their employees, the Commissioner of Labor and the Chairman of the Interstate Commerce Commission should mediate in any dispute calculated to interrupt transportation. In case they failed to effect a settlement an arbitration board consisting of three members and representing capital, labor, and the public might be appointed. Parties desirous of submitting their difficulties to arbitration must agree (1) to refrain from a strike or lockout pending the arbitration, (2) to accept the award as final to continue

in force for one year unless set aside on points of law, (3) to execute the award which was enforceable by court procedure, (4) to make no attempt to sever the employment relation for a period of three months without thirty days' notice.

It is obvious that the procedure under this act was purely voluntary. Neither side had to resort to it. The mediators had no power to intervene in a dispute unless requested. Until 1906 the law was practically a dead letter. This was partly due to the fact that the mediators had no authority to act on their own initiative. When they found ways of indirectly making known their wish to aid, the machinery of the law came into wider use. From that time no threatening situation arose in which one side or the other did not make use of its provisions. It had however a serious defect. The arbitration provision limited the arbitration board to three members. On the member representing the public, the decision usually devolved. Naturally there was some hesitation in entrusting to one man's judgment the important issues involved.

The Newlands Act. In 1912 the railroad managers in a controversy with the engineers, which threatened to prove serious, refused to utilize the machinery of the law. They insisted on a larger arbitration board than provided for in the act. The dispute was finally submitted to a board composed of five public representatives and two representatives each for the disputants. This incident emphasized the need of new legislation. In 1913 the Erdman Act was superseded by the Newlands Act. The Newlands Act constituted an improvement over the earlier measure. A mediation board, consisting of two permanent commissioners of mediation and two other government officials, was created. This board was empowered to act on its own initiative. If arbitration was preferred to mediation the possible size of the arbitration board was increased. Misunderstandings arising over the interpretations of the arbitration board's awards were to be referred back to it. Formerly the board's decree had been left to the interpretation of local railway officials, and labor claimed such interpretation to be partial and in many cases detrimental to its interests.

The Newlands Act performed a useful service in settling disputes. Up to December, 1917, when the government assumed control of the railroads, the machinery provided for mediation had been resorted to no less than seventy-seven times, while twenty-two controversies had been settled by arbitration.[1]

[1] Sharfman, I. L., "The American Railroad Problem," p. 334.

But the weakness of both the Erdman Act and the Newlands Act was their failure to take cognizance of fundamentals. They were measures designed to secure a compromise between employers and workers. They did not pretend to investigate the issues and obtain for the employees equitable working conditions against which a strike would meet with universal public condemnation.

Disputes submitted to arbitration usually devolved for solution on those members of the arbitration board representing the public. Unfamiliar with railroad affairs, they were unable to bring to their decisions the necessary information and experience which such vital questions demanded. The Newlands Act broke down completely in 1916.

The European War had stimulated industry in this country. Immigration had been curtailed. There was a growing demand for workers. The cost of living was rising. Everywhere labor was restive, was demanding higher wages, shorter hours, and union recognition. The railroad workers were well organized, unified, and powerful. They took advantage of this situation to demand the basic eight-hour day which was refused by the carriers as financially impossible. All efforts at mediation failed. The workers refused to submit the matter to arbitration. They were not satisfied that the machinery established by the Newlands Act had proved its value to labor interests and feared to leave the issue to such decision. The public was brought face to face with a strike which threatened to paralyze transportation and close the veins of industry. To avert a national catastrophe, Congress hastily passed the Adamson Eight-hour Law. Later the threat of another strike compelled its translation into practice.

Period of World War and Extended Government Regulation of Labor Conditions

Railroads. When this country entered the World War, the labor shortage became more acute, living costs rose still higher. High wages in temporary war industries, the urgent demand for labor, and the inadequacy of the railroad wage level combined to increase the labor turnover in the railroad industry and the general dissatisfaction of railroad labor. In November and December of 1917 the workers presented wage demands through their various organizations which the carriers felt were impossible to meet. A national strike again threatened at a time when efficient transportation was vital to the war needs of the country. This serious situation was one of the causes which prompted the

government to assume control of the roads. Among the divisions which it established in the railroad industry was a division of labor. The chief of the Brotherhood of Railroad Firemen and Enginemen was made head of this division. A commission was appointed to make a thorough investigation of the wage situation. As a result of its recommendations, all employees getting less than $250 a month were given increased wages. Also at the commission's instance a board of railroad wages and working conditions was set up. This board was advisory to the Director-General of the Railroads. It was expected to hear and investigate questions relating to labor policy, to inequalities in pay and working regulations. Four adjustment boards were created to which the carriers and their employees agreed to submit controversies regarding the interpretation of wage schedules and working conditions which could not be adjusted locally. This machinery was more complete and efficient than that provided by the Newlands Act and was intended to replace it. The government's adjustment boards were bi-partisan in character, composed of an equal number of representatives of carriers and workers. They were most successful in their task. Unanimous decisions were rendered in the greater part of the thousands of cases handled, and agreement was secured in practically all.

The success achieved was largely due to the fact that the boards were permanent and were composed of men expert in railroad affairs. There was no particular need of public representatives on the boards. Their work was wholly interpretative of conditions already fixed, and they seemed to perform their function better without the presence of neutral members. Had they been called upon to decide initial wage schedules, which would later be transmitted to the public in increased costs, that body would have had a paramount interest in being represented.[2] Throughout the period of government control, there was no authorized railroad strike. Unauthorized strikes occurred but were soon suppressed. The Director-General refused in every instance to consider the workers' grievances while they were out on strike. The workers' leaders realized that a strike against the government in war time in so vital an industry as transportation would bring down public opprobrium and the stigma of disloyalty.

Transportation was but one of many fields in which the government sought to establish machinery for settling labor controversies. Continuity of production was essential to war aims. The federal government had necessarily to extend widely its regula-

2 Dixon, F. H., "Railroads and Government," pp. 185-186.

tion of labor. A variety of boards and commissions were set up in industries engaged in the production of war supplies. Collective bargaining was introduced into establishments formerly controlled wholly by autocratic methods. A national war labor board was created as a court of final appeal. This board consisted of twelve members and was representative of capital, labor, and the public. It was empowered to settle disputes by mediation or conciliation. If these means failed, it might summon the parties before it and arbitrate the matter. It was required to set up regional committees and boards which should strive to settle controversies in their territories. The national board was not permitted to take cognizance of any dispute in which any other means for settlement, existing either by agreement or federal law, had not been invoked. No discontinuance of production was expected to take place during the period in which the mediation or arbitration proceedings were pending. The board was to be guided in its acts by certain definite principles. These principles were applied throughout the field of government war-time regulation of labor.

1. The right of employees and employers to form organizations and to bargain collectively with each other through their chosen representatives was affirmed.

2. Trade union membership or trade union activities were not to be considered by employers legitimate grounds for discharge.

3. The status quo between employers and workers where collective bargaining already existed was to be maintained as far as possible. In other words the unions were not to seize upon the war emergency to force union recognition on employers nor were employers to use the occasion to repudiate the union where it already existed.

4. Women were to be paid the same rates as men for equal work.

5. The eight-hour day where fixed by law was recognized. In other cases hours were to be determined on the basis of the maximum production and the workers' welfare.

6. The principle of the living wage was approved in fixing rates of pay.

The National War Labor Board like the other government labor boards was voluntary. It could not compel compliance with its decisions. Yet had obedience to its rulings rested on public opinion alone, its efficiency would have been lessened. It had behind it not only a public opinion made keen by the war

emergency but the extensive war powers of the federal government.

When the Smith and Wesson Company of Springfield, Massachusetts, refused to abide by the board's decree and accept the principle of collective bargaining, the company was commandeered by the war department. When employees at Bridgeport, Connecticut, engaged in the manufacture of ordnance supplies struck against an award by the board, they were threatened with what amounted to an economic boycott by the federal government. This proved highly effective and the men returned to work.

The board succeeded in preventing many strikes which threatened to be serious, but it did not obviate all stoppages. Indeed strikes increased in frequency owing to war conditions during the first eight months of the board's existence. They did, however, affect fewer workers and were of shorter duration than before its creation. For this reason there was a total of less working days lost and less productive energy wasted.[3]

Government Regulation of Railroads After the War. Transportation Act of 1920. The termination of the war brought the end of wide government regulation of labor conditions. Federal control of the railroads was relinquished but under a new and stricter regulatory act than existed prior to the war. The labor provisions of the Transportation Act of 1920 declared that it was the duty of the carriers and their employees to take every means available to prevent any interruption of transportation which might result from a dispute. It then outlined the steps to be taken in case of controversy.

1. Every dispute was to be considered and decided where possible by local representatives of both sides in conference.

2. If this local conference was unsuccessful, appeal might be had to a regional labor adjustment board. The act provided that such boards might be established by joint agreement of employers and workers. They should have jurisdiction over any disputes concerning rules and working conditions but not wages. They should assume jurisdiction on the appeal of the representatives of the organized carriers or employees of the road in which the dispute occurred, on the written petition of one hundred unorganized employees, on their own motion, or on the request of a national railroad labor board provided for in the act.

3. This National Railroad Labor Board as its name implied was given national jurisdiction. It was to be composed of nine members. Three members were to represent labor and were to be

[3] "American Labor Year Book," 1919-1920, p. 47.

appointed by the President of the United States from six nominees offered by the organized employees. Three members represented the carriers and were to be similarly appointed. Three members were to represent the public and were to be chosen directly by the President. The board was to receive cases appealed from the adjustment boards. If no adjustment boards were organized it was to assume jurisdiction on appeal from the individual road. In any event wage disputes not decided locally were to go directly to the national board without the medium of a regional board. The national board might on its own initiative handle any controversy which threatened to interrupt railroad operation. It had power to suspend any decision of any individual road concerning wages if such decision demanded a considerable readjustment of wage rates. The decisions of the board were to represent a majority agreement. At least one of the representatives of the public had to concur in the decision. The board was to be guided in making its awards by certain definite rules. Wages must be "just and reasonable." In determining if they measured up to this standard, the board must consider the wages paid for similar work in other industries; the relation of wages to the cost of living; the hazard, training, skill, responsibility and regularity of employment; and inequalities which might result from former wage adjustments. It was required, then, to investigate some of the fundamentals in making its decisions. In this way it surpassed its predecessors whose sole purpose was to find some solution which would propitiate, at least temporarily, the parties to a dispute. The board was given no authority to enforce its decisions. If a decision appeared to be violated it might investigate the matter of its own volition and make its determinations public. Public opinion was the only power it could summon to its aid in compelling acquiescence to its orders.

Immediately on its appointment, the board was called upon to settle the question of wage increases. Wage demands, consequent to the rising costs of living, had been pending for more than a year. Their consideration had been deferred by the government on various pretexts until the roads were again in private hands. Unauthorized strikes resulted and the need of settling the question was urgent. The Railroad Labor Board after two months of hearings granted increased wages. It found that the wages paid railroad employees were less than those paid for similar work outside the industry. It also stated that the increased cost of living had thrown the wages of these workers below their prewar standard of living.

The decisions of the Railroad Labor Board after its first venture were not always obeyed. The carriers at various times declined to accept its rulings. One of the most flagrant cases was that of the Pennsylvania Railroad. This railroad refused to negotiate with any representative of its workers who was not an employee of the road in the division to which the workers belonged. A large number of the workers were union members and wished their union leaders as representatives. The regulation of the road precluded such an arrangement. The case was appealed to the board. A decision was rendered which upheld the men's right to select whom they pleased to represent them and denied the right of the road to refuse to deal with their representatives. The road claimed that the board was exceeding its jurisdiction and did not obey its award. When the board attempted to make public the road's defiance, the latter secured an injunction restraining such action. The case was appealed to the Supreme Court which sustained the board's right to make public any violation of its decisions.

The workers on their side threatened a national strike after the board ordered a 12 per cent decrease in wages effective July, 1921. They were only dissuaded from such action by the personal and official intervention of the members of the board and the force of a hostile public opinion. In the summer of 1922 the board found no means of preventing the shopmen's strike. This occurred when the miners were out on strike and served to complicate a situation already threatening to the public welfare. The shopmen struck against the board's decree lowering wages. The strike represented a complete breakdown of the labor machinery set up by the Transportation Act of 1920. Neither the efforts of the board, nor of private individuals, nor of the President were successful in preventing the outbreak or bringing it to a speedy close. The result of this strike was to emphasize the defects of the board. Like its predecessors, it was composed of representatives of workers, employers, and the public. Thus the greater part of its members were partisan. On the public's representatives, the task of making decisions devolved. With a lesser knowledge or experience in railroad affairs, they were not so able to assume this burden. They had however a better chance to become acquainted with such matters than had the boards of arbitration provided under former laws. Unlike these boards, the members of the new tribunal held permanent positions. Labor was critical of the method of their selection. When the choice of the public's representatives was left in the President's hands, it was

claimed that the appointees were drawn from the same class, with the same capitalist interests as the representatives of the carriers. For this reason, the board could not be impartial and the weight of its decisions inclined toward the side of capital. Moreover, it was overloaded with work which should have been handled in local conference or in the regional and national adjustment boards provided by the law. The policy of making the establishment of these boards voluntary resulted in neglect of this part of the plan. This forced on the Railroad Labor Board the assumption of their duties. As an inevitable result, hearings and decisions were delayed to the dissatisfaction of the parties concerned. The failure to make any legal provision for the coöperation of the labor board and the Interstate Commerce Commission likewise constituted a weakness. The one was expected to fix wages, the other rates. Yet the two functions are inseparable in practice. Wages constitute the largest single item of expense to the railroads. If wages are raised to any appreciable extent, they soon affect rates. Either close coöperation between the wage-making and rate-making bodies should be legally required or the two functions should be combined, possibly in the Interstate Commerce Commission. Finally, the shopmen's strike and the attitude of certain carriers clearly demonstrate that public opinion is not sufficient to enforce the board's decisions. Some stronger power is necessary if the public is to be protected from any possible interruption to transportation. For this reason the number of people advocating the prohibition of strikes in the railroad industry and the substitution of compulsory arbitration with compulsory award is constantly increasing.

Compulsory Government Regulation of Labor Conditions

It is considered not only in connection with the railroads but with other industries as well, because all private and government agencies for the voluntary adjustment of labor disputes have proved only palliative measures. This growing sentiment of the people against strikes is reflected in the action of their representatives. Compulsory arbitration of railroad disputes has been seriously considered by Congress. The legislatures of several states have gone still further and have extended their consideration to the large group of industries affected with a peculiar public interest. The practical working out of compulsory arbitration with compulsory award applied to a large group of industries is seen in the Kansas Industrial Court. The act creating this court

became effective in 1920. It asserted that any business impressed with a vital public interest should be regulated by the state. The industries placed in this class were: (1) the manufacture and preparation of food for human consumption; (2) manufacture of clothing for human wear; (3) production of any substance in common use for fuel; (4) transportation of any of these; (5) public utilities and common carriers. The act provided for a court composed of three judges, appointed by the governor with the approval of the senate. It empowered the court on its own initiative or on complaint to summon the parties before it, investigate the controversy, and make such temporary findings concerning wages and other conditions of employment as were necessary to preserve the public welfare and protect the parties to the dispute. The act made the findings binding on both parties. It allowed an appeal after a sixty days' trial when the case was subject to reconsideration. The supreme court of the state was empowered to review the court's orders and compel obedience to its decisions. The act forbade all strikes in the industries coming under the court's jurisdiction and prohibited any discontinuance of industry for the purpose of limiting production or affecting prices. Disobedience to the act was made punishable by fine and imprisonment. Should any suspension in production occur which threatened the public welfare, the act provided that the court might take over the industry, giving the owners just compensation and the workers fair wages.

The court has had a fair degree of success. The existence of such a tribunal has meant fewer strikes, but it has not meant the abolition of all strikes. Employers and the strikers' leaders may be punished, but it is impossible to effectively penalize the large body of strikers. Countries such as New Zealand and Australia which have somewhat similar plans for settling labor disputes have experienced the same difficulty. Moreover, the constitutionality in this country of compulsory adjudication of labor disputes and of a denial of the right to strike is questionable. The United States Supreme Court has indicated that these measures might conceivably be applied to an industry so essential to the public as transportation.[4] But the wider application of the idea received a check in the decision rendered in 1923 in the case of the Charles Wolff Packing Company against the Kansas Court of Industrial Relations.

While this decision dealt only with a specific case, it practically declared the industrial court without authority to regulate the

[4] Wilson *v.* New, 243 U. S. 332-389.

wages paid or prices charged in industries manufacturing food. Certain portions of the opinion indicated that clothing and fuel would also be included in this category. It stated that ordinarily such industries are not affected with such a vital public interest as to warrant the interference which such regulation would cause to the freedom of contract guaranteed by the Constitution.

If the court is impotent to fix the workers' wages in these industries, it cannot with justice deny them the right to strike. If it does, it deprives them of their only weapon and is powerless to offer a substitute. If a labor tribunal has no constitutional power to regulate wages in the majority of industries, it is still less likely that any regulation of profits in those industries will be permitted. Yet some regulation of both wages and profits seems necessary to an equitable solution of the industrial problem. The interest of the public demands not only the prevention of strikes but the removal of the underlying cause. Unless this is accomplished no means taken to end industrial warfare will be successful. The underlying cause is the development of vast inequalities. Securing for labor better wages will help to solve the situation, but the public interest also demands a like control of profits.

XXI

GOVERNMENT CONTROL OF INDUSTRY

Government control of industry, the coöperative movement, and the more radical proposals for changes in the existing economic organization are steps in advance of the measures thus far discussed. These measures represent the methods employed by employers, workers, and the public to mitigate existing inequalities and prevent a resort to industrial warfare. They aim primarily at improving conditions for the workers, securing for them a greater share in the product of industry, and in this way alleviating inequality. Government control covers a wider field. Not only does it propose when highly developed to promote better industrial relations but to insure the operation of public utilities for service rather than profit. Improved labor conditions are but one of the reforms which it may inaugurate. The other reforms deal with the correction of abuses existent under private ownership and control and the maintenance of fair prices to the public. Either government regulation of privately owned industries or government operation of government owned industries could effect the desired result. Both tend to alleviate inequality. But government ownership of the national resources and of the industries exploiting those resources should be much more potent in reducing the extent of inequality than government regulation. The latter is a conservative measure which the abuses incident to private control of public utilities have forced the national, state, and city governments to adopt. Government ownership presupposes a more radical step.

Public Utilities

The term "public utility" covers such industries as water works; gas and electric light plants; transportation by water or rail; and communication by post, telephone, or telegraph. Such industries are public in a social, legal, and economic sense. The combination of these three gives the people a peculiar interest in them. In a legal sense they are dependent on public authorization.

For instance, gas and electric companies, water works, telephone or street railway companies must obtain particular rights to the use of the street. Gas companies must have the right to dig it up, telephone companies to erect posts and wires and lay conduits, street car companies to lay tracks. The railroad must have the right of eminent domain, the power to acquire the land through which its course passes.

In a social sense public utilities are essential to the people. Water, light, transportation and rapid communication are everyday necessities. In an economic sense they tend to become monopolies largely because they are conducted under conditions of increasing returns. After the plant is once established business can be widely extended with small additional cost. Electric light and power, gas, and water can be more cheaply supplied by one unified plant serving a large single territory than by several plants in competition. Unification of the railroads has proved so necessary that the old theory of competition has been largely abandoned in an attempt to secure the coöperation and consolidation of the roads under proper regulation.

In the case of the post office, the telephone and telegraph, one system not only eliminates waste and creates a saving but is positively more convenient for the people. A single postal service enables each individual to correspond with every other individual at a fixed uniform rate. A telephone to be most useful must enable its patrons to reach all subscribers. Competing telephones tend to make this impossible and may compel the business man to subscribe to more than one service.

Monopoly control of industries with the social significance of public utilities is fraught with danger. Without fear of competition and assured of a demand for their services, such monopolies may charge unreasonable prices and indulge in questionable practices. Competition being eliminated as an automatic check, public regulation becomes necessary. Public regulation is easier to set up because the industries are primarily dependent on rights secured from the people. In this way economic, social, and legal factors combine to place industries vitally affecting the public welfare, tending to become monopolies, and dependent on public concessions under government regulation or government ownership. In the United States such industries have quite generally been brought under public regulation by the city, state, and federal governments. Government ownership has not proved so popular though many cities now own their gas and electric light plants, water supply, water front, wharves and piers.

Federal Regulation of the Railroads

Reasons for Regulation. The best example of federal regulation in this country is the control exercised over the railroads. The labor provisions of this control have already been discussed. Its wider aspects cover the regulation of the conduct of the industry itself.

The development of the railroads, the growth of interstate commerce, and the increasing dependence of the people on transportation by rail were the main factors which early forced on the government a consideration of this question. The separate states had brought the roads under state regulation, but the United States Supreme Court in 1886 declared them powerless to deal with interstate commerce. Certain abuses were existent on the roads and needed to be corrected.

Unjust discrimination was practiced "between persons, places, commodities or particular descriptions of traffic." The big shipper profited by this discrimination. He received rebates from the different roads which indulged in cut-throat competition to secure his patronage. Competition was also keen on rival passenger lines. Sometimes fares were reduced below a paying basis to obtain traffic and destroy the competing road. The carriers, almost prostrated by these practices, were striving to find some basis for coöperation and the maintenance of steady charges. The results of their efforts were railroad pools and traffic agreements. Pooling prevented destructive competition, but it awakened in the people a fear of monopoly control. It threatened to destroy whatever benefits they hoped to obtain from the construction of competing roads. The roads not only discriminated in favor of the large shipper, but they charged discriminatory rates for the short haul as against the long haul. In other words big cities and long distance business was favored at the expense of small towns and local traffic. Railroad affairs were permeated with fraud and speculation. Stock watering was the common practice, and the roads suffered from overcapitalization. They had no proper sense of their public character and their responsibility to the people. Attempts at investigation and regulation were treated as undue interference with private business.

Interstate Commerce Act of 1887. The result of these conditions was to compel action by Congress. In 1887 the Interstate Commerce Act was passed. This act created an interstate commerce commission to be appointed by the President for a term of six years. The act covered freight and passenger service by

land and, in case of continuous or through shipment, by land and water. It forbade unjust and unreasonable charges, rebates and other forms of personal and local discriminations, pooling and traffic agreements. Railroads were no longer permitted to charge more for a short than for a long haul under substantially similar conditions, except with the approval of the commission. Rates were henceforth to be made public.

As a result of this law, pooling was prevented, rates were made public, and accounting practices were improved. Efforts were made which partially succeeded in remodeling traffic to conform to the long and short haul clause. But unfortunately this clause was later declared unconstitutional by a supreme court decision and was rendered ineffective. The act was not successful in stopping rebating which still continued under cover. This practice helped to build up vast manufacturing enterprises which threatened to become monopolies. The carriers themselves protested against the secret pressure for favors which was continually applied. Often they were too weak to withstand it and had to sustain a steady loss in revenues. In the railroad business as in other industries consolidations were constantly taking place. The decline of competition resulted in a rise in rates. The people were concerned not only with increased charges but with the great concentration of power in few hands. Moreover, the Interstate Commerce Commission's power was minimized and the enforcement of its decisions was subjected to long delays by the wide power of the courts to review cases appealed from the commission. While the Act of 1887 had forbidden unjust and unreasonable charges, rate advances could be made without any previous determination of their reasonableness. This practice worked hardship on the shipper and the public. A shipper might complain to the commission concerning an advance in rates. But his complaint had to be the result of an actual experience with the advanced rate and he had to demonstrate its unreasonableness. If he were successful the rate would be declared excessive by the commission. The railroad might then appeal the case. During the often long period in which the case was under review, the advanced rate would continue in force. Eventually the shipper might secure a lower rate and receive reparation for his loss, but his business suffered in the interim. Moreover the increase, in all probability, devolved on the public which had no redress.

Hepburn and Elkins Acts. These and other abuses resulted in a series of measures progressively seeking to regulate the railroads in the interest of the people. The most important were

the Hepburn Bill of 1906 and the Elkins Act of 1910. These measures extended the scope of government control until it encompassed the railroads proper, pipe lines, express and Pullman car companies, telephone, telegraph, cable companies, etc. Rebating was placed under stricter control and attempts were made to separate transportation from other lines of business. In this way it was hoped that the formation of huge financial combinations might be prevented and the development of unjust practices controlled. The issuance of passes was definitely limited. Publicity of railroad accounts was demanded and the Interstate Commerce Commission was empowered to indicate how they should be kept. The power of the courts to review the commission's decisions was somewhat restricted and certain stipulations were made to expedite judicial procedure. The long and short haul clause was revised and made effective. Under the revised provisions lower charges to longer distance points were prohibited except with the approval of the commission. The rate-making power of the commission was extended and it was authorized upon complaint to "determine and prescribe" just and reasonable maximum rates. It was also empowered to suspend new rates over a reasonable period of time thereby removing from the shipper the burden of proof that a rate was just and reasonable and placing it on the carrier where it logically belonged. To aid in fixing rates, regulating accounts, and securing an accurate idea of the capitalization of the roads, the commission was required to valuate railroad property.

The Period of the World War. These were the principal provisions of the legislation in effect at the outbreak of the World War. At first there was no thought of widening government control. The railroads pledged themselves to coöperate and to minimize competition, but they found such a program difficult to carry out. The anti-trust acts, the regulatory measures, the public distrust of combination, the excessive war demands, the need of additional finances to meet these demands, and their own particularistic interests stood in the way. The railroads under private management failed to measure up to the standard demanded by war needs. Government shipments were given precedence over other shipments, but despite this fact congestion and delays occurred. This situation was intensified by labor troubles.

It was finally thought necessary for the government to take over the roads. They were combined under a director-general; most of the former officials were continued in office. This gave the government the benefit of expert advice. The labor machinery

already described was set up and succeeded in minimizing labor difficulties. The government had certain objectives which it tried to attain. It sought to operate the roads as a unit and so to enlarge their scope of service. It aimed to introduce coöperative methods and in this way to reduce the cost of operation and increase efficiency.

The handling of the roads as one system, combined under one head, interdependent and working for a common end, helped to achieve the object, unity. The elimination of unnecessary passenger trains; the unification of terminals; and the reduction in size of the different companies, existent as separate systems before the war, tended to reduce expenses and increase efficiency. The labor machinery set up by the government minimized industrial disputes. Through the government collective bargaining was promoted and the eight-hour day was widely observed. Government control gave labor a national outlook, greater unity, and stronger unions.

Many complaints of the government administration were made by the public and the carriers. It was charged with inefficiency, waste, extravagance, and undue favors to labor. True, the government operated at a deficit. It failed adequately to maintain railway equipment not essential to war purposes. It standardized labor conditions to an extent later found by the Railroad Labor Board to be incompatible with the efficient conduct of the roads under private and individualistic control. Yet considering the exigency of the times, the excessive demands made on the roads, the difficulty of securing capital, the necessity of advancing wages to conform to rising costs of living, the need of maintaining industrial peace, the government did well. Both during the war and in the less satisfactory post-armistice period, public operation was better for the country and was probably more efficient than private operation could have been under similar circumstances.

The war, then, gave the country its first experience in government operation of the railroads, a policy long advocated by certain elements of the people. The experiment, tried under difficult circumstances, was in no sense a failure. But the extension of government control was not confined to the railroads. It was also extended over the mines, the telephone and telegraph systems, the express service, food products, and the relations of capital and labor. The President was vested with extraordinary powers. Such powers were necessary to check profiteering, protect the people, conserve resources, supply the needs of the army,

meet the requirements of the Allies, and provide for the successful conduct of the war.

Government Ownership and Operation. The war period marked the height of government control in this country. Individualism was subordinated to public interest to an extent never contemplated by earlier generations. The period gave an impetus to those persons advocating government ownership of public utilities. It also aroused the stronger opposition element. The question centered particularly about the railroads which for years had been the chief objective of advocates of government ownership. At the same time most of the arguments for and against might be applied to any industry affected with a vital public interest. This would be especially true of an industry which was, or threatened to become, a monopoly.

Affirmative. The advocates of government ownership claim that capital can be more easily secured by the government at lower interest rates than it can by private concerns. Any stable government has the people's confidence and does not need to pay so much for the use of money as a private business. True the expense of acquiring the railroads would greatly increase the national debt. This might raise the government's interest rates for a time but not to the figure ordinarily paid by private enterprise. If interest costs are low under government ownership, expenses and prices to the public can be correspondingly reduced. These conditions hold true of any industry but are particularly significant in the case of the railroads.

It is difficult for the roads to secure capital to-day. This difficulty is due more to their own financial misdeeds than to the regulatory measures imposed by the government. A small ring of "insiders" have milked the roads for personal profit. They have done this at the expense of needed equipment and expansion and without regard for investors and the rest of the public. The result of these practices has been the issuance of watered stock to secure necessary finances, overcapitalization, a loss of public confidence, and the consequent difficulty of obtaining new capital for greatly needed improvements.

Either excessive rates, a government guarantee, or government ownership seem to be the only avenues open to securing capital in sufficient amounts. Excessive rates will incur public condemnation and will not be permitted by the Interstate Commerce Commission. A government guarantee necessitates the use of public funds to ensure returns. It takes away from the roads

the need to maintain themselves. Resulting deficits may be the result of inefficiency or worse. The government is required to make up these deficits yet is given no control over the appointment of railroad officials or their continuance in office. The remaining avenue, government ownership, is the most economical and the most satisfactory to the people.

Government ownership makes the attracting of capital easy and inexpensive. It likewise helps to reduce the amount and growth of inequality. Under private control and government regulation, it has been found almost impossible entirely to abolish rebating. This discriminatory practice destroys competition. It kills off the small concerns and builds up the big businesses which are the recipients of the rebates. It is partly responsible for the formation of vast monopolies such as the coal, oil, steel, and beef trusts. Under public ownership, this abuse would cease. The great railroad properties and the power incident to transportation would be controlled by all the people rather than a favored few. The degree of inequality would be lessened, and the dangers of its growth decreased.

The evils incident to political lobbying would also be reduced. To-day both railroad interests and railroad labor indulge in this form of political action. Labor exercises a strong influence because of its numbers and unity. Capital's control is exerted through wealth and power. Both capital and labor aim to promote legislation beneficial to themselves and retard that which they conceive to be detrimental. Both are animated by selfish motives. It is not the public interest but their own private concerns which they seek to promote. It is argued that this condition would be largely corrected under public control. Private management in the interest of stockholders would be wiped out and government management in the interest of all the people would take its place. Labor would have less need to resort to political action or industrial warfare to gain its ends. It would secure better working conditions and in all probability better wages under government ownership. It might be given some direct share in the conduct of the business. In this way the interest and loyalty of the workers would be stimulated. They would no longer claim that greater production on their part merely went to enlarge profits, for ultimately there would be no profits in the ordinary sense of the word. Increased production would mean better service, lower rates, and higher wages. The incentive to work for these purposes would be greater. Dissatisfaction would be lessened, the abuses incident to political lobbying

reduced, the dangers of strikes decreased, and the workers' efficiency increased.

Under government ownership, the workers would not only have a greater incentive to do better work, but the unification of the railroads into one system would promote the general efficiency of the roads. Under private ownership there is duplication of equipment, equipment at wrong places, periodic car shortages, and frequent freight congestion. The possibilities of unification were demonstrated by the government's administration of the roads during the war. The government program of unifying lines, terminals, and equipment, when perfected in time of peace, would mean financial saving and better service. Moreover, the government could secure sufficient funds to obtain necessary supplies and would have no temptation to divert its capital to the individual enrichment of certain officials. Coöperation would take much longer to realize under private than under public ownership. If put into practice under private control, it would necessitate a development in monopolistic conditions on the railroads which the public would find difficult to tolerate even under effective regulation.

It is questionable also if regulation can ever be really satisfactory. Regulation requires the maintenance of expensive machinery. In the long period of time in which it has been in force, it has not succeeded in remedying many of the fundamental evils incident to private management. Regulation is a palliative measure which does not strike at the root of the evil. It has found the ideals of private business and the ideals of public interest impossible to reconcile. Private industry is conducted primarily for profit, and strives to earn all it can to satisfy the demands of a small portion of the investing public. Government-owned industry is conducted for the benefit of all the people and demands only a minimum return sufficient to pay its indebtedness. After this is paid off, its only legitimate concern is to serve the people at the lowest rate consistent with self-maintenance.

The need of government ownership and management of schools, libraries, hospitals, charities, highways, the water supply, postal facilities, irrigation, public reserves, and many other concerns vital to the people has been recognized and largely met. While the advocates of private ownership claim that many of these have been inefficiently managed, it is noticeable that there is an absence of agitation for their return to private hands. They are recognized as primarily public interests that must in general be conducted for all the people. The natural and best administrator

of such functions is the government, itself, not private enterprise subjected to costly and often unsatisfactory regulation.

Negative. The advocates of private ownership disagree fundamentally with most of the arguments of their opponents. When they do not condemn the management of public functions already in government hands, they claim that these functions are essentially different from such business enterprises as the railroad industry, and telephone and telegraph system, the administration of the mines, etc.

In answer to the contention that capital would be easier to secure under public than under private ownership, they assert that any slight difference in interest rate would be more than offset by a loss in efficiency. State management of industry, especially in a democracy, lacks the spur of private initiative. It is seldom as effective as the management of private individuals urged on by the incentive of personal gain. Under a private régime efficiency brings promotion, inefficiency dismissal. Under a public régime political prestige tends to influence appointments and tenure of office. Even civil service is no substitute for the usual business methods. The wages paid to labor are often raised while the salaries paid to higher officials are lowered. For this reason, government employment fails to attract the best brains of the country. Even if the most able men could be secured they would not be given a free hand but would be subject to constant interference by Congress and other public bodies. Government enterprises are cluttered with red tape. Quick action is almost impossible. The record of public business in this country is one of "unwieldy organization, unnecessary complication of system, undue multiplication of personnel." Any savings incident to unified operation and government credit would be eaten up by this loss in efficiency.

In a democracy, politics is certain to enter into any government undertaking. The political lobbying of private ownership would be insignificant compared to the continued pressure which might be applied to public authorities under government ownership. The government would be tempted to make spectacular expenditures which would appeal to the people rather than devoting its funds to necessary but less obvious expenses. Congressional representatives would vie with each other to secure railroad improvements and extensions for their constituencies. It is quite unlikely that any portion of the country would be willing to accept higher rates than any other portion, yet the costs of transportation are greater in some places than in others. The

traveling public would be constantly pressing for lower fares, the shippers for decreased freight rates, the big industrial combinations for preferential treatment, and the workers for higher wages. The concerted action of the vast body of some 2,000,000 railroad workers is particularly feared by persons opposing government ownership. It is felt that labor strongly unionized could practically dictate the terms under which it would work, should the industry become publicly owned. Government officials for political reasons would hesitate to oppose this strong group of voters. Even were restrictions placed on their political action as in the case of other government employees, their power would be great. While strikes and other labor troubles may be lessened under government ownership, they are not obviated. Strikes have occurred under government ownership in other countries. Such outbreaks can be controlled under a militaristic régime where the striking employees may be ordered to the colors. In this country no such means are available. Any slight exemption which might be obtained from strikes under government ownership would scarcely compensate for the increased power of the employees and the concessions secured through political pressure. Inefficiency and politics would combine then to increase the costs of railroading. Increased costs would mean increased rates. Soon the public would have to pay more for nationalized transportation than it would for transportation privately owned.

The government might endeavor to keep the rates low, but it would be running under a deficit. This deficit would have to be made up by taxation. A most unjust state of affairs would result. Those who were poor and could not afford to travel or had no commercial interest in transportation would be taxed to help pay the rates of the more well-to-do and the shippers who necessarily made constant use of the roads. This is the state of affairs in most of the countries which have nationalized the industry. The roads are run at a deficit, and the deficit is made up by taxation.

The advocates of regulation versus ownership claim that regulation has been effective and is constantly being improved. It has one supreme advantage over nationalization. It recognizes the virtue of the profit motive in productive effort and seeks to utilize that motive, shaping it through regulation to social rather than individualistic ends.

Transportation Act of 1920. The arguments of both advocates and opponents of government ownership are shaped to prove a case. They are open to criticism and make exaggerated

claims and denunciations. They must be considered as partisan and weighed against each other if truth is to be deduced. Whatever the merits of either side, the American people through their representatives, decided in favor of a strengthened policy of government regulation rather than continued government operation when the close of the war period forced the issue. This was probably less the result of a conviction that government ownership was not desirable than an inertia and conservatism compelling a return to old and tried methods. Several plans, ranging from the Plumb plan, based on guild socialism, to the conservative suggestions of railroad interests, were presented for congressional consideration. A constructive regulatory measure was adopted.

The Transportation Act of 1920 was designed to strengthen the government's regulation of the roads and contained provisions intended to secure under private ownership and regulation some of the benefits incident to unified control under government ownership. The act contained several provisions intended to meet the problems of the transition period from government to private control. These provisions dealt primarily with repayments to the government for improvements made under government operation, a government guaranty to the roads, and government loans available over the difficult period of readjustment.

A definite rate-making policy was laid down for the commission to follow. Rates were not only to be just and reasonable but were to afford a fair return on the aggregate value of the property used in the transportation service. The commission had been authorized to determine the aggregate value. In setting the "fair return" on this value, it was required to give consideration to the transportation needs of the country and the probable necessity for increased equipment. A return on property value takes no account of capital securities. It necessitates an accurate valuation of railroad property and ultimately should dispose of the danger of overcapitalization. The requirement that the commission make rates commensurate with adequate transportation service meant a recognition of the broader problems of rate-making. It was not only necessary for a rate to be just and reasonable, but it also had to be sufficient to sustain the industry and permit its conduct in the interest of the people.

Five and a half per cent as the return considered fair was prescribed by Congress for two years. To this rate the commission might at its discretion add one-half of one per cent to be used for capital expenditures in the form of improvements. After two

years' time the determination of a sufficient rate was left to the discretion of the commission.

One of the objections to any rate-making policy in the past was the question of the strong and weak road. A rate adequate for the weak road enabled the strong to make excessive profits. To solve this problem, Congress provided that any earnings in excess of 6 per cent on the value of a railroad property should be divided equally between the road and the government. The amount going to the road was to be paid into a reserve fund until it reached 5 per cent of the road's property value. After this fund had been accumulated, the carrier might use its additional surplus for any lawful purpose. In any year in which the operating income did not equal 6 per cent, the reserve fund might be drawn on for dividends, interest, or rentals. The half of the surplus going to the government was placed in the hands of the commission to be used as a railway contingent fund in the interest of the public. From this fund loans might be made to carriers, or the commission might purchase necessary equipment to lease to them. If a carrier were engaged in building a new road, the commission might permit it to retain all excess earnings from the new line for ten years, provided the construction was completed within the period fixed by the commission.

The commission's authority which had heretofore been limited to maximum rates was extended to cover minimum rates as well. This step had long been advocated to prevent destructive competition. As long as the roads could lower their rates at will, favoritism of certain localities and underbidding for traffic were bound to exist. Under the act of 1920 the commission was placed in a position adequately to handle the rate situation.

The period in which new rates might be suspended pending a decision of the commission was limited in this act to 120 days, with a possible extension of 30 days. It was believed that the commission could pass on the new rate in this time. Its numbers had been increased from the original seven to eleven, and it had been authorized to create as many subdivisions as it felt necessary to conduct its business. Previously there had been long delays before decisions were rendered and this had worked hardship on the railroad.

The long and short haul clause was amended in this act to substantiate some of the practices of the commission and to place certain limitations on its authority. Also restrictions were imposed on the rate-making power of the states to eliminate the injustices and inequalities existing in the past between interstate

and intra-state rates. The commission was authorized to prescribe the rates to be charged whenever it found that a state rate or regulation caused undue advantage as between persons or localities in intra-state commerce and those in interstate commerce or created unjust discriminations against interstate commerce. It was empowered to do this not withstanding any state law or any order of a state authority.

The question of capitalization of the railroads has always been of import to the public. The rates which it pays for transportation service determine earnings. The public is interested in knowing the disposition made of these earnings. Are they used to pay dividends on watered stock? Are they employed for dishonest purposes? Are they used to insure efficient service to the public? Do they enable the road to meet its obligations, maintain its credit, and so attract new capital?

The Transportation Act of 1920 aimed to regulate the issuance of securities and protect the public from financial mismanagement. It made it unlawful for a carrier to issue securities without authorization by the commission and under certain limitations which accorded with the public interest. The decision of the federal commission in this matter was made supreme over that of the states.

To guard against the abuses of corporate and intercorporate management, no person could be an officer or director of more than one carrier without permission from the commission. No officer or director was permitted to benefit from the sale of securities or share in the proceeds from such sale. He might not participate in dividends from any funds belonging to the capital account. Should he be guilty of such offenses, he was subject to fine and imprisonment.

Certain provisions of the act were intended to procure greater unity and efficiency in railroad service and incorporate some of the lessons of the war experience. The anti-pooling clause was amended to permit the pooling of traffic or earnings with the approval of the commission. Consolidation, both partial and complete, was provided for. The commission was empowered to approve and regulate the control of one carrier by another provided such control was in the public interest and did not mean consolidation into a single system. The commission was required to draw up a plan for the consolidation of the roads into a "limited number of systems" according to certain stipulations laid down by the act. The roads' acceptance of this plan was purely voluntary. By an act passed in 1917, the commission was

given some control over car service. The war experience in unifying this service was so successful that the commission asked for increased powers. These were granted by the act of 1920. The commission's authority was extended to encompass the movement, use, control, and supply of cars, locomotives, and special equipment. Of more importance to the public was the provision which permitted the commission, whenever an emergency existed requiring immediate action, to make such directions concerning the relations of the carriers' property as were consistent with the public interest. The commission's power extended to the joint use of terminals, to priority in shipment, to embargoes, and the issuance of permits. Moreover, the commission acting in the public interest might at any time require the opening of a privately owned terminal to the paid use of other carriers, provided such action would not actually injure the owner's business.

Carriers were no longer permitted to build extensions or abandon roads without a certificate from the commission showing that such action was compatible with the public welfare. The commission was also empowered to compel the installation of safety devices on a two years' notice.

The commission's power over accounts had in the past proved insufficient to enable ready detection of financial mismanagement. This power was broadened to include not only accounts, records, and memoranda but also documents, papers, and correspondence.

This act represented a step in advance of all previous regulatory measures. Many reforms long advocated were incorporated. The impotence of competition as the foremost remedy for all evils was recognized. Under the act, regulation was given a better chance than ever before to prove its value to the public. But if it continues to be largely a remedy rather than a cure, it should be replaced by other measures. Whether such measures will necessitate government ownership depends largely on the roads' ability to attract sufficient capital to permit an expansion of industry in accordance with public needs. High rates will not effect the desired end, for they may well be raised to the point of diminishing returns. Economies incident to close coöperation or consolidation will be essential. At present such reforms depend on the will of the roads, for they are not required to adopt the commission's recommendations for unity. If voluntarily they fail to accept the commission's plans and no compulsion is exercised by law, they may find themselves compelled to appeal to the government for aid. The logical result of such an appeal is government ownership.

XXII

THE ROCHDALE COÖPERATIVE MOVEMENT

The Consumers' Coöperative Movement, like government control, is an attempt to solve the industrial problem by changes in the economic organization calculated to reduce the degree of inequality. Unlike government control, this movement strives to place the conduct of industry directly in the hands of the people rather than under the ownership, direction, or regulation of the government. Organized consumers are the directing and controlling force of consumers' coöperation.

Origin and Principles

The movement originated in Rochdale, England, November 1843, when twenty-eight flannel workers, recently emerged from an unsuccessful strike, gathered together to discuss what could be done to remedy their lot and that of their fellows. They were men of imagination who were unwilling to drift along without some attempt to evolve a common-sense project which could be put into practice at once and would help to solve their problems. Many proposals were made; one was adopted. As soon as enough savings could be accumulated a coöperative store should be established. This store proposed to give rather than to receive, to serve at a minimum cost rather than to charge all its patrons would bear, to return its surplus earnings to its customers rather than to retain them as profits.

Inspired by such an ideal it was not strange that this movement grew and spread to every land. The modest store, started with $140 of hard-earned savings, open but two evenings a week, catering to a humble body of workers, and fostered by a little group of idealists was destined to be the parent of a line of sturdy offspring, increasingly intelligent and efficient and occupied with an ever-growing circle of activities. The Rochdale coöperators impressed on their followers a certain set of principles. When

obeyed these have usually brought success. When disobeyed failure has often resulted.

1. The watchwords of coöperation are democracy and service.
2. Membership is open to all on equal terms.
3. Membership can be secured by the purchase of low-priced shares of stock, usually payable in installments.
4. Number of shares allowed any one person are limited.
5. One vote only is given to every shareholder regardless of the number of shares held.
6. The surplus belongs to the members and is returned to them in various ways. A certain portion may be paid into a reserve fund, a certain amount may be devoted to the education and social benefit of the members or may be set aside for their insurance, and the rest may be apportioned among them according to the purchases made.
7. A fixed rate of interest of not more than the legal or minimum rate is paid on shares.

Practical Working of System. In practice the scheme works in this way. A group of the workers in a community come together and with their mutual savings hire or purchase a store and stock it with necessary food staples. Gradually other workers become interested in the proposition and buy a share of stock, costing on an average of from five to ten dollars. They pay perhaps a quarter or a half dollar down. The difference is paid in installments or is automatically deducted from their dividends. From that time on they are members. They receive a moderate interest on their share or shares of stock, while their portion of the surplus is divided according to their purchases. A poor man with a large family who must buy heavily from the store but who can afford only one share of stock receives a far larger dividend than a single man who owns several shares but does not purchase largely of the store's goods. Each has an equal voice in the conduct of the business. Each can attend all meetings, can vote for the committee which oversees the direction of the store and usually serves for little or no compensation, can have a voice in shaping the store's policy and in determining how that portion of the surplus devoted to educational or other social projects shall be used. While the number of shares allowed each person is restricted, the number of persons invited to join the enterprise is unlimited; and every member is active in persuading his friends to buy into the store. This is but natural, for expenses do not keep pace with the growth in business and a larger proportionate surplus means bigger dividends on purchases.

Difference Between a Profit-making and Coöperative Concern

Organization. How does the organization of the coöperative enterprise differ from the capitalist enterprise? The one gives only one vote to every member, regardless of the number of shares of stock held; the other allows an increasing number of votes to correspond with increasing shares of stock. Unlike the coöperative, the number of shares any one person is permitted to own in a profit-making concern is limited ordinarily only by the size of the company and the ability to buy. One wealthy man or a group of wealthy men can purchase the greater part of a company's stock. Their voting strength and influence increases proportionately. The lesser stockholders soon have little or no voice in the policy of the business, and the big stockholder assumes practically unchallenged power. The coöperative concern issues an unlimited amount of stock, but no buyer can purchase more than a limited amount. The number of shareholders grows with the business. As each shareholder or member has only one vote regardless of the number of shares owned and as no man can buy over a certain small number of shares, democracy is made possible. One share in the enterprise brings to a member all the privileges of the coöperative. He may vote, and his voice has the weight of the largest shareholder. He may participate in all the social and educational projects of the coöperative. He will receive a dividend based on his purchases at the store and having no connection with the number of shares he holds in the enterprise. The purpose of the coöperative is not to secure capital from a few wealthy persons who demand privileges proportionate to the sums invested but to increase business by reaching the largest number of persons possible and to obtain the necessary funds to conduct that business through an ever-growing clientèle. The incentive of the workingman to buy more than one share of stock in the store is the safety and convenience of the investment and his interest in a project carried on almost wholly by the workers and for the workers. Shares of a coöperative are absolutely non-speculative. They are bought at par and sold at par. They constitute an easy and satisfactory way to invest small savings, and they usually bring the current rate of interest to the investor. They sometimes bring him a further advantage. Those workers who have shown an active interest in the coöperative by investing their savings in the scheme tend to become its leaders. Qualifica-

tions are imposed on officers in some coöperatives requiring them to hold a certain minimum of shares or to make a minimum amount of annual purchases or both. But these qualifications do not interfere with democracy of control. The amount of money involved in buying the shares constitutes such a small sum that it is within the means of practically any member; and there are few members whose ordinary needs would not necessitate the buying of more than the required amount of goods.

Treatment of Workers. How does the coöperative differ from the capitalist enterprise in its treatment of the workers? A good example of the difference between the two types of organization is found in the British coöperatives. What is true of them is true in greater or less degree of other countries depending on the advance of the movement and the degree of organization among the workers.

The coöperative, composed largely of workers, is closer to its employees and their aims than is the capitalist concern. The coöperative often has led the capitalist enterprise in giving its workers higher wages and better working conditions. It has been more ready to recognize and bargain through the union. It has been more willing to give the workers a voice in all matters directly concerning themselves. The coöperative has gone still farther and has given the workers a more direct share in the conduct of the business than is ordinarily granted by the capitalist undertaking.

The workers of the coöperative, like other workers, are often members of unions. They are agitating democratic control, higher wages, shorter hours, better conditions. While these demands have in general been acceded to by the coöperative in advance of the capitalist undertaking, the workers have sometimes had to fight for the concessions made. Such a condition seems an anomaly in an enterprise supposedly run for the worker and by the worker. Several reasons are responsible for it. At first the workers, ununionized, made no concerted effort to secure better conditions. When they did the coöperative officials hesitated to pay higher wages and give shorter hours than the capitalist concern. They feared the unfair competition to which such action would subject the coöperative store. Constant agitation combined with the general sentiment of the members of the coöperative, themselves workers, proved too strong for business acumen. The coöperative gradually gave its employees more favorable conditions than were obtainable in like businesses elsewhere. The

result was not a diminution in business but a gradual raising of standards for all workers similarly employed in capitalist concerns.

The coöperative has lessened the danger of strikes by upholding the union, urging its workers to unionize, and bargaining with their representatives through joint industrial boards and shop committees. In this way it has permitted the workers to control jointly all matters directly affecting their welfare.

It has been more hesitant about giving them a direct share in the conduct of the business. But as all of the persons employed may be members of the coöperative, they have an indirect voice through their membership voting power in determining policies. In this way they have a larger share in running the business than is granted workers in the average capitalist undertaking. This part is no greater than that of the coöperative consumer despite the peculiar interest which the project holds for the coöperative worker. Indeed it is often less for the employees are barred in many coöperatives from serving on the management committee while they are workers in the enterprise.[1] The aim is to keep the coöperative as far as possible a democracy of consumers in which all consumers as such have an equal interest and control. It has been feared that if the employees were permitted to hold office without restrictions they might take advantage of the lethargy of the average consumer. They might combine, return only employees to office, gain control, raise wages unduly, and make of the coöperative a business run by the workers and not by the great body of consumers.

As the workers have grown in knowledge and strength, they have increasingly questioned a system which claims to be democratic yet refuses its employees the right to occupy official positions. This questioning has brought a gradual extension of the employees' right to hold office. Usually the number permitted to occupy such positions is limited to obviate any danger of complete control by the workers. Only a minority of the coöperatives have granted their employees this right. If their action proves successful, more will follow their example. With proper safeguards to insure representation to the consumers, there would seem to be no good reason why coöperative employees should not be candidates to official positions in the business.

The coöperative has already proved that ability to manage

[1] Webb, Sidney and Beatrice, "The Consumers' Coöperative Movement," p. 30.

large enterprises successfully is present in the rank and file of labor. Its highest officials have risen from these ranks and have shown their devotion to their fellow workers and the coöperative ideal by contenting themselves with the comparatively low salaries of the coöperative enterprise rather than seeking the better paid positions of the capitalist concern. The coöperative has yet to prove the capacity of labor as a body to participate in the conduct of the business itself.

Some Other Ventures to Which Rochdale Coöperation Has Been Applied

Since the days of the pioneer Rochdale store, the consumers' coöperative movement has spread so that it now embraces a variety of enterprises. The small retail store selling food staples has enlarged its stock to cover clothing, hardware, fuel, etc. It has established branch stores. Sometimes two coöperative stores have found themselves brought into competition by an overlapping of territory and have combined that they might serve their customers without the waste of competition.

The Wholesale. When the retail stores gain sufficient power, they look about for new enterprises. The next logical step is to establish a wholesale which will supply them with goods at cost. The wholesale has much the same construction as the retail. The retail stores constitute its members, and its earnings over and above expenses are divided among the stores in proportion to their purchases. This surplus is again divided among the members of the retail stores in lower prices or in dividends. Great Britain has two powerful wholesale societies, the English and Scottish Coöperative Wholesales. These societies do an enormous business. They not only obtain for their member stores all supplies direct from the manufacturer or grower but have undertaken the production of a large variety of articles which they turn out in their own manufacturing plants or on their own farms. They furnish all member societies with expert legal and business advice. They stand behind them in controversies with capitalist concerns which might not scruple to crush the small retail but would hesitate before attacking a society such as the English wholesale with its yearly turnover of a hundred million sterling. As the English law requires the accounts of all coöperatives to be audited once a year by a public auditor, the English wholesale has established an audit department. The

members of this department are specially trained in the accounts peculiar to a coöperative enterprise and can do this work effectively at the lowest possible cost.[2]

Banking. Coöperation lends itself to all manner of projects—from retail and wholesale stores, furnishing every known article and often producing such articles for consumption, to building, housing, banking, insurance, transportation. The English Co-operative Wholesale Society started in 1872 a deposit and loan department to care for the funds of its members and to loan them money when needed. This is now known as the banking department. It serves over 1,000 coöperative societies; some 19,500 members of coöperative societies; more than 5,000 trade unions, trade union branches, and friendly societies; and some 2,000 workingmen's clubs and other mutual associations. The Coöperative Wholesale Society charges a definite commission for the handling of all accounts. This commission varies with the amount of the account. The society allows interest on all balances and permits overdrafts at a fixed rate. Any surplus over and above expenses is returned to the member societies in the form of higher interest or a lower charge for overdrafts. The bank controls most of the funds of the English coöperative movement. It furnishes the societies with the opportunity to bank their money in a coöperative way. This differs from the capitalist way in the charge made for keeping accounts; the interest paid on all balances; the return of the surplus to the users of the bank, lenders and borrowers alike, and not to shareholders as such.

Coöperative banking in the United States has rather generally assumed another form, the credit union. Credit unions are incorporated under special state laws. Membership in the unions depends on a mutuality of interests such as employment in the same industry or public service corporation, association through religious or fraternal organizations, or group acquaintanceship usually based on racial lines. Each prospective member is required to subscribe to at least one share in the credit union. The share costs little and can be paid for in weekly or monthly installments. Members are urged to buy as many shares as they can afford and so to save money for future use. Dividends are payable on the shares, and interest is paid on deposits which take the form of savings for more immediate needs.

In this way the credit union differs from the true coöperative which pays its surplus to depositors and borrowers in the form

2 "The Consumers' Coöperative Movement," pp. 109-112.

of higher interest and lower borrowing rates rather than to shareholders as such. In coöperative banks, such as those in England, it is the shareholder who receives the interest and the customers whether shareholders or not who receive the surplus. Members receive a higher per cent of the surplus according to their patronage than do non-members. In the credit union all customers must be members and if members, shareholders. The coöperative bank and the capitalist bank as well serve all who wish service without regard for shareholding or membership. In the credit union each member, who is likewise a shareholder and customer of the bank, has one vote only no matter how many shares of stock he owns. In the capitalist enterprise, the shareholders' voting power varies with the number of shares of stock owned. The customer, who is seldom a shareholder, has no vote. The credit union makes loans whose sole security is often the honor and integrity of the member borrower; the ordinary bank loans on the basis of financial solvency rather than character. The credit union encourages its members to save money, enables persons of moderate means to engage in a coöperative banking enterprise in which they are the gainers, and permits them to borrow money in case of need or for some worthy business or social purpose. It promotes democracy by equality of voting power and the democratic selection of officials who are themselves members of the union and sometimes serve for little or no recompense.

Insurance. Another field which has been developed by the coöperative is insurance. The insurance department of the English Wholesale Coöperative gives fire, accident, death, burglary, workingmen's compensation, employers' liability, and fidelity guarantee insurance. The amount charged for this service is very small and within the means of most steady workers. The collective life insurance scheme automatically insures members of retail societies belonging to the wholesale through the collective payment made by their respective societies to the wholesale. This payment amounts to from one to two cents on every five dollars worth of goods sold. The person insured does not have to bother with premium payments or with medical examinations to determine his fitness. There are no expenses incident to such examinations, to collections, to the maintenance of rich offices, or to the securing of business by advertisement and insurance agents. The person is insured the moment he becomes a member. On his death, payment is made to his family depending on the extent of their purchases over a period of from three to ten years. About 50 per cent of the industrial life and accident insurance of Great

Britain is written by this service at a cost of approximately one-fourth that of the profit-making concerns.

Other Activities of Coöperation. The best coöperative societies have also set aside a certain portion of their funds for the education and social advancement of their members. They have conducted summer schools and classes in which the students receive instruction in coöperation, the structure and problems of modern industry, political science, economics, and social problems. The coöperatives have purchased estates where their members may go on short vacations and enjoy all the comforts and pleasures of country life. They have maintained libraries and published pamphlets of interest to the members. They have shown their sympathy for striking labor by aiding the strikers in material ways.

Extent of the Coöperative Movement in Europe

Coöperation has not only been extended to embrace many enterprises but it has attained a wide numerical and geographic growth. Coöperation has an importance and extent in Europe little recognized in the United States where it is still in its early stages of development. The World War was an added stimulus to the coöperative movement in many of the European countries. Nations harassed by external and internal warfare found they could depend on these workers' organizations to supply the necessities of life to the suffering peoples without extracting a profit.

In Great Britain the government unintentionally blocked the growth of the movement during the war. A scarcity of foodstuffs required the restricting of the amount of certain staples which each store could sell. This policy did not permit a wide growth in business. The coöperative was limited as were the capitalist stores, but unlike these profit-making concerns, it had no incentive to gain at the people's expense during this period of stress. The government restriction in the case of the coöperative was shortsighted for it prevented many people from joining the movement and saving themselves much of the high cost of living.

The government's ignorance concerning the movement was shown in another way. It allowed local military tribunals, often composed of merchants hostile to coöperation, to draft the managerial forces of coöperative stores but permitted the retention of persons in similar positions employed by capitalist concerns. For these reasons coöperation did not make the gains which abnormal war conditions would have caused if the govern-

ment had been sympathetic with its aims and understood its importance and fundamental purpose. Despite this fact some 4,500,000 families belong to the British coöperatives and it is estimated that this represents about 40 per cent of the British population.

Germany, like Great Britain, is one of the leaders in the coöperative movement. A quarter of a century ago only about one-thirteenth of the population were represented in the movement. In 1923 approximately one-third could be classed as coöperators. There were some 2,400 societies with a membership of over 4,500,000 families. Over one-half of these societies were federated in a central union.

France has about 4,000 distributive societies with a total membership of 1,500,000. Coöperative banking plays an important part in the movement in France. The government is favorable toward coöperation and has taken measures to forward it. There has been a significant development in the French movement along the lines of amalgamation of societies.

When private business broke down in Austria after the war, the coöperatives came forward and saved the people much suffering. The state distributed staple foodstuffs, over which it exercised a monopoly control, through coöperative societies. In this way the people were able to obtain the necessaries of life at cost. It is estimated that almost one-third of the population of Austria were members of coöperative societies in 1923. Coöperative credit societies occupied the most important place in the movement, but there had been a rapid growth in the number of distributive societies after the war. The Central Union of Austrian Consumers' Societies had a membership of over 600,000 which was three times greater than at the outbreak of the World War.

The movement is especially strong in Denmark, Finland, and Switzerland. Denmark stands first among the nations in the percentage of coöperators in the population. Finland is probably next to Denmark in the strength of its coöperative organizations. Switzerland has always been strongly coöperative. Over one-third of the households in that country belong to the Union of Swiss Consumers' Societies.

In Hungary and Italy the hostility of the government has done much to retard the development of coöperation. After the Hungarian revolution the coöperative societies and their working members were subjected to government prosecution. The leaders were jailed and exiled, the board of management suspended, and the control was taken over by the government. While the

workers' coöperatives received this treatment, the coöperatives of the middle classes were generally unmolested and progressed materially. In Italy the government after the war was particularly favorable to coöperation, but with the rise of the Fascisti the movement suffered severely from its hostility and attacks.

Coöperation was weak in Russia before the World War. After the Russian revolution, it was claimed that the Russian coöperative movement had grown to be the largest in the world. The Russian Soviet government absorbed the coöperative enterprises which ceased to flourish. For this reason their autonomy was later restored, and coöperation in Russia represents to-day one of the dominant forces in the industrial life of the nation. In the Central Union a large part of the various coöperative undertakings are united. In 1923 the union was composed of 90 provincial and regional unions, 704 district unions, and 27,409 consumers societies. In addition to the union there were some 4,600 independent Rochdale consumers' societies with a membership of 3,500,000.[3]

Coöperation is part of the life of the people in many other countries. Coöperative enterprises are federated in an International Coöperative Alliance which represents 25 countries and has some 30,000,000 members. The purpose of this alliance is to collect and disseminate information concerning coöperation in all countries, to promote friendly relations between its members, to forward education in coöperation, to collect statistics concerning the coöperative movement, and to promote international trade between coöperative concerns. The alliance holds conferences at appropriate times. Since its foundation in 1892 it has held ten such congresses. The committees of the alliance meet more frequently, and it represents an important factor in the coöperative movement.

Coöperation in the United States

Reasons for Slow Development in the United States. In comparison with European countries coöperation has made but slow development in the United States. This is partly due to the distrust which has been aroused in this country by spurious cooperative undertakings and partly to the nature of the people. It has been one of the mistakes of coöperation in this country that it has deviated from Rochdale methods in many instances. The failure attendant upon many of these ventures has made Ameri-

[3] Warbasse, J. P., "Coöperative Democracy," pp. 414-419.

cans wary of coöperation whether actually founded on Rochdale principles or not. But a worse influence than the failure of partial coöperatives is that exercised by spurious schemes which claim to be coöperative but in reality lack all the features which characterize the true movement. They are established to enrich their projectors at the expense of the working classes who invest their savings thinking they are joining a Rochdale coöperative.

In the second place the nature of the American people and of the country has retarded the growth of the movement. Coöperation thrives best in communities of long standing where the people know and trust each other. In the United States the population is more fluid. American youth seldom settles in the town of its birth but tends to follow the call of opportunity and advancement. Native-born Americans incline toward a spirit of laissez faire rather than coöperation. Only in recent years has the ideal of public interest begun to replace that of individualism. The average American-born person still has ambitions for himself and his children. He expects a measure of success in whatever he undertakes to do. Often his ambitions remain unfulfilled, but his ideals, his nature, his independence are not conducive to a willingness to sacrifice what he thinks will be his private gain for public advancement. If successful in business projects, he naturally does not welcome coöperative enterprises whose customers receive all the benefits of the business rather than the entrepreneur. Such enterprises, when they do not actually undersell the capitalist, virtually do so. The profits are returned to the consumers and in this way prices are lowered. United into boards of trade, chambers of commerce, and merchants' associations, American capitalists oppose this new enemy to the profit system. Through efficiently developed chain stores, federated and extended over a large area, they have lowered prices and forced a difficult competition on the smaller, less strongly developed, and often isolated coöperative store.

Immigration has been both an enemy and a friend to coöperation in the United States. The arriving immigrant has often been the impelling force back of the migrating native population. He keeps communities in that fluid state which prevents the growth of coöperative ventures and results in a mixture of races with different customs and languages, a poor foundation on which to build coöperation. On the other hand immigrants from countries where coöperation is well established have brought their coöperative ideals to the United States and have been instrumental in starting coöperative societies here.

Agencies Promoting the Strength of the Movement. While coöperation has not progressed rapidly in the United States, the growth of industry and the changing character of the people and the country are laying the foundations for the extension of the movement. Coöperative enterprises are endorsed by the American Federation of Labor, by more radical workers, by political parties and church organizations. The coöperative League, a federation of the coöperative societies in the United States, has done much to stimulate interest in the movement. The purpose of the league is to collect data concerning coöperation in the United States. It gives advice to coöperators, makes studies of different societies to ascertain the reasons for their success or failure, prepares material for courses of study and publication. The league conducts a school, promotes legislation favorable to the movement, and tries in every way to educate the people to the possibilities latent in combined effort for the mutual good of all.

The two elements which have done much to forward coöperation in various parts of the United States are the farmers and the immigrant population. The Farmers' Educational and Coöperative Union is primarily a producers' organization and as such has no place in the consumers' movement. It is active in some thirty states where it has organized the farmers into productive societies. The societies sell their goods directly to the consumer, eliminating the expensive middleman. The phase of the union's works which directly bears on consumers' coöperation is its activity in promoting consumers' coöperative enterprises for the benefit of its members. The Nebraska state branch has organized about 200 farmers' grain elevators, 125 coöperative stores, 3 large centralized creameries, 3 livestock commission houses, and a cooperative wholesale supply house in Omaha. The work of the Nebraska branch of the union has been duplicated in other states, notably Kansas. The elevators, stores, and creameries are all organized on the Rochdale plan. Shares are sold to persons desiring to become members of the coöperatives, a limited rate of interest is paid on these shares, one vote is allowed each member, and the surplus is divided among the members according to their patronage.[4] Farmers have also entered other fields of Rochdale coöperation. There are about 2,000 coöperative fire insurance companies in the United States run by and for the farmers. These companies charge only about half the rate of

[4] Data furnished by Herron, H. L., the Farmers' Educational and Coöperative State Union of Nebraska.

the profit-making concern. Coöperative telephone companies, laundries, and flour mills represent additional phases of the farmers' activities. While the farmers, particularly the native-born agriculturists, are perhaps the most active class in promoting coöperation in the rural communities, in the cities and towns the foreign-born element lead the movement.

Geographic Development. Coöperation has slowly spread throughout the United States both in the city and country. Of course there are vast deserts where coöperation is unknown. The movement is yet so weak that thousands of persons have never come in contact with it; but a checkered pattern of coöperative enterprises extends from one end of the country to the other. There are about 3,000 coöperative distributive societies. There is no national wholesale similar to the English Coöperative Wholesale, but there are district wholesale societies which are owned and controlled by groups of local societies. In addition to distributive societies there are a variety of other enterprises. The most numerous are the building and loan societies, which are not true Rochdale coöperatives though they have many valuable cooperative features, and the credit unions already described.

Tracing the coöperative movement geographically, New England has about seventy-five distributive societies. Coöperative banking has a good start in Massachusetts. Coöperative creameries, which collect milk from farmers, treat it in their establishments, and deliver it to consumers, have also made a place for themselves in this state.

The middle eastern states have about 250 distributive societies situated mainly in Pennsylvania and in the vicinity of New York City. New York also has several coöperative banking organizations and what is really unique, three coöperative schools in which the pupils represent the members, select, and direct the faculty. These schools prepare for college and for regent examinations and give business and general cultural courses at less cost to the pupil than the ordinary profit-making school engaged in the same line of work.

Illinois, one of the group of central states, has about 100 societies. Most of them are connected with the Central States Cooperative Society which has a wholesale house at East St. Louis. The Illinois societies are composed largely of coal miners. They are fairly representative of our best American distributive societies. They have a membership of about 250 in each society, a turnover of $160,000 a year and a dividend on purchases of from 4 to 7 per cent quarterly.

The Scandinavian element in Michigan, Wisconsin, and Minnesota has been active in forwarding coöperation. The hundred societies in the northern part of these states are composed largely of Scandinavians. Fifty of these societies are combined in a wholesale, the Coöperative Central Exchange at Superior, Wisconsin. This wholesale supplies merchandise to its members, manufactures a peculiar bread biscuit in demand in Finnish societies throughout the United States, and runs a school offering training to persons desirous of becoming directors of coöperative enterprises.

One of the successful societies of Northern Michigan has 400 members. Although only in existence since 1912, it owns its own building, conducts a bakery, two meat markets, four branch grocery stores, and has a turnover of $300,000 a year. Two of the largest coöperative societies in the United States are located in northern Michigan. These societies have a membership of over 1,000, a small number when compared with the large British societies whose membership runs into the thousands.

In Minneapolis, Minnesota, the Franklin Coöperative Creamery Association was opened in 1920. It was established by dairy workers who had suffered a lockout in the course of an industrial dispute. In 1922 the creamery was supplying 30,000 families with an average of $1,500,000 worth of dairy products a year on a strictly coöperative basis. After this creamery went into operation there was a lowering in the price of milk in Minneapolis of three cents a quart. Improvement was made in the quality of milk sold with a subsequent and visible reduction in the amount of infant mortality and disease.

Neither the Southern or the Pacific states can boast any great number of societies. The movement is not unknown to either locality. But the success of the early societies was not great, and they died out largely because of the apathy of their members. The Negroes in the south are becoming interested in coöperative enterprises, and a new birth of independent coöperative societies seems to be taking place in the far western states.[5]

[5] The major part of the data regarding coöperation in the United States is taken from Gide, Charles, "Consumers' Coöperative Societies," Chapter I by James Peter Warbasse, "Coöperation in the United States," and Warbasse, J. P., "Coöperative Democracy," pp. 428-438.

Conclusion

Small coöperative societies such as exist in the United States are less concerned than the large societies with the problem of democratic control. Often located in a community where the people are acquainted and take part in community gatherings and having comparatively few members, they can more easily arouse interest and enthusiasm. Democracy of control is peculiarly a question for the large societies. With all their advantages of efficiency, elimination of competition, strength, unity, and greater service, they are apt to lose this important attribute of coöperation. The members are usually more interested in the dividends they receive and in the goods offered than they are in their voting franchise. Thus the large coöperative, like the political democracy, tends to come under the control of a few leaders who shape its destiny and determine its policies. If mass meetings of the members are held, one individual has little opportunity to express his ideas. Voting at the polls is sometimes resorted to when the members become too numerous. This practice has been adopted with fair success in some of the large organizations of Great Britain. But it means the loss of some of the features which make the movement worth while. In either small or large enterprises, no matter what democratic machinery is adopted, education of coöperative members is essential. Only through an understanding of coöperative ideals and of voting responsibility can democracy of control be secured.

Coöperation has not only found it difficult to put its democratic principles into practice, but it has failed to reach all classes. The very poor and the upper strata of society are seldom incorporated in the movement. The very poor who have no steady job must live on the margin; they must depend on some store to give them credit or appeal to charity when they are out of work. Naturally they do not purchase at a coöperative, one of whose basic principles is cash payment. While the coöperative sometimes has facilities through which its members may borrow in time of need, it cannot extend them credit on purchases without repudiating its principle. This failure of the coöperative to reach the very poor has been pointed out by the Webbs. It is a situation more true of Great Britain than the United States where coöperatives are thinly scattered, and poverty is not so prevalent or so excessive.

The other class outside the movement, the upper class, naturally has less incentive to save than the workers. The amount

saved by coöperative buying seems insignificant and not worth the sacrifice of the greater accessories and service ordinarily offered by the better type capitalist concern. The members of the upper class are not accustomed to unite and work together in any enterprise. Coöperation is foreign to their ideas and habits.

It is the great body of workers whom coöperation especially benefits. Many of them have been trained in coöperative endeavor by their trade union activities. To them every penny saved is of moment. Through the movement they have secured many of the comforts of life which could be theirs only through combined effort. Coöperative enterprises undertaken by the workers for the service of fellow workers have given able working men a chance to occupy positions usually held by the upper class. The movement has in general treated its employees well. It has worked out its ideal, coöperation, service, and democracy, through the principles laid down by the Rochdale pioneers. In addition to these original and fundamental rules, generations of earnest co-operators have added some or all of the following:

1. Education of the people in the ideals of coöperation.
2. Steady effort to make all coöperators take an active part in their society.
3. Education of the members along broad social and economic lines.
4. An extension of democracy to coöperative employees as far as it is consistent with insuring democracy to member consumers.
5. A federation of coöperative societies to prevent competition, increase efficiency, and strengthen the movement.

XXIII

RADICAL PROPOSALS FOR THE CONTROL OF INDUSTRY

The socialists, communists, and other radical groups are convinced that a complete overthrow of the capitalist system is the only solution to the industrial problem. Trade unionism, legislation, workers' representation, government regulation, government ownership, the coöperative movement are looked upon either as steps toward this end or as measures designed to propitiate the workers and delay the attainment of the necessary change. The new economic and social system which will replace the old will be based on a genuine equality of opportunity, on coöperation rather than individualism, on an equitable distribution of wealth. In the abolition of great artificial inequalities and in the establishment of a new industrial order, the radical sees the solution of the industrial problem.

Marxian Socialism

Modern socialism may be said to begin with Karl Marx. Before his time socialist theories existed in Europe, but they were mainly Utopian schemes without any scientific basis. While a few communist societies were actually established, surrounded by hostile and alien forces, they soon resulted in failures. The early socialists did not create a well-founded, plausible socialist doctrine or develop a strong international party. Karl Marx in collaboration with Frederick Engels did both of these things. In the writings of Marx the main tenets of modern socialism are found. By his efforts, an international movement destined for wide growth was started. The most widely accepted of Marx's doctrines are three: the materialistic interpretation of history, the class struggle, the law of the concentration of capital.[1]

The Materialistic Interpretation of History. The materialistic interpretation of history, stated in the words of Engels, declares that at any given time or place, "the prevailing mode of economic production and exchange, and the social organization necessarily

[1] Russell, Bertrand, "Proposed Roads to Freedom," pp. 6-10.

following from it, form the basis upon which is built up, and from which alone can be explained, the political and intellectual history of that epoch. . . ." Marx does not claim that consciously the economic motive is the sole motive. He rather asserts that it influences human life to such an extent that without our knowledge it dominates other motives, molds character and opinion, and is responsible for the general historical trend. Only when the economic development is ripe for a new order do great changes occur. They are not the result of the activities of any group of reformers. They are the result of great external forces working on the masses, causing the class struggle between the owners of industry and the workers.

The Class Struggle. Marx believes that the class struggle dates from earliest times. The dominant class, possessing authority and property, has ever oppressed the classes below it with a resultant class warfare. In modern society there are two main divisions, capitalists and laborers. The intermediate classes tend to be merged into these two. The one has everything, the other nothing. The workers' sole power lies in numbers and unity. They unite first locally, then nationally, and finally internationally. In the interim, economic forces outside the control of the capitalists have been creating the instruments of their death. These are wielded by the united workers. With their victory communal ownership is established, exploitation ceases, class divisions are destroyed, and the class struggle ends.

The Law of the Concentration of Capital. The decline of competition and the development of great trusts were foreseen by Marx. He expected that in both industry and agriculture capitalists would diminish numerically while the size of their undertakings increased. Small capitalists would be forced into the proletariat and the ranks of the capitalist class would become weaker in numbers and stronger in wealth. This process would help to destroy capitalist society, for its evils would be intensified and its opponents multiplied.

The Marxian theories of the concentration of wealth, the class struggle, and the economic interpretation of history are contained in the Communist Manifesto, published in 1848 as the platform of the Communist League. This was a workingman's association, at first German and later international in character. The manifesto is a joint product of Marx and Engels, but its ideas are mainly those of Marx. The modern socialist movement can be said to date from the publication of the manifesto, and it is of such importance that its main points are summarized here.

It opens by declaring that "a specter is haunting Europe—the specter of Communism." The powers of old Europe are united in opposing this creature. Communism has been recognized as a dangerous power. Communists should, therefore, publish to the world their aims, that the world know from their own lips the truth concerning their theories.

Class Struggle. The body of the manifesto follows and opens with a description of the class war. "The history of all hitherto existing society is the history of class struggles." In all stages of society oppressor and oppressed have faced each other in warfare, now hidden, now open.[2] Each time the struggle has ended "either in a revolutionary reconstitution of society at large, or in the common ruin of the contending classes." Through various complex gradations of social classes, through series of class struggles, modern society has finally evolved into two main divisions, the bourgeoisie (capital), the proletariat (labor).

Concentration of Wealth. The bourgeoisie, during its comparatively short rule, has created more colossal productive forces than have the preceding generations put together. It has subjected nature's forces to man, has invented machinery, applied chemistry to industry and agriculture. It has concentrated population, centralized the means of production, and centered property in the hands of the few. As a result great cities and nations have sprung up, and a small, dominant and wealthy class has gained control of the world.

Economic Interpretation of History. The means of production and exchange on which bourgeois society is erected were generated in the feudal period. When these developing productive forces reached a certain stage, feudal property relations could no longer control them and became confining bonds which had to break to permit further advance. They were replaced by free competition, by a social and political constitution adapted to it, and by the economic and political dominance of the bourgeoisie.

A similar movement is taking place in modern times. The economic development has again outgrown its confines. The bourgeoisie is no longer capable of controlling the vast powers it has created. For years industry and commerce have been a "history of the revolt of modern productive forces against modern conditions of production" and against property rela-

[2] Later modified to except the early primitive tribal groups holding land in common.

tions which constitute the basis for the existence and power of the bourgeoisie. For instance the periodic commercial crises show that the productive forces are too strong for the present conditions by which they are surrounded. With every crisis the situation becomes more and more threatening. The bourgeoisie, in its attempt to bring things back to normal, employs means which but pave the way for more extensive and destructive crises.

The Modern Class Struggle. Through external forces outside its control, it thus forges its own death weapons and calls into being the men who will wield them, the working class. The laborers who form this class "live only so long as they find work and . . . find work only so long as their labor increases capital." They have lost their individuality and have become a commodity, subject to all the hazards of competition and to market fluctuations. Increased toil, a fine division of labor, a lower degree of required skill, monotonous work, despotic working conditions, the competition of women and children, the growing misery of the workers, are characteristics of their slavery. The political and religious veil which clothed the exploitation of the middle ages has been torn aside by the bourgeoisie. The workers are exposed to a "naked, shameless, direct brutal exploitation." Against these conditions the workers struggle, at first individually. Later they unite with those nearest to them. Often their association is largely the result of bourgeois activity. To attain its own ends, to fight its battles against the remnants of its enemies and against divisions in its own ranks, the bourgeoisie recruits, unites, and educates the workers. In this way it further prepares for its own destruction. Aided by divisions in the bourgeois ranks and by improved means of communication and transportation, the workers draw continually closer together. Their struggles with the bourgeoisie assume more and more the character of collisions between two classes. The workers form trade unions, attempt to raise wages, and plan for the periodic revolts which occur. Sometimes they are victorious, but their real victory does not lie in these apparent triumphs but in the growing union of the workers. The organization of the proletariat as a class and its accompanying organization as a political party is continually upset by competition between its members, but each time it rises again to new power and solidarity.

Its ranks are constantly renewed and strengthened by a steady influx of petite bourgeoisie. These men have been worsted in the modern game of industry. They have been driven out of busi-

ness partly because they have lacked sufficient capital to meet conditions of expanding industry, partly because new methods of production have replaced their specialized skill. As the class struggle reaches its climax, a portion of the bourgeoisie, mainly idealists who have sensed the coming catastrophe, join the proletariat. The revolutionary movement has now become a movement of the vast majority. In this it differs from all previous historical movements which were carried on by minorities or in the interest of minorities. It differs in yet another way. The proletariat has none of the things which make life worth while. In the conditions surrounding it, the old order of society is already destroyed. The worker has no property. His family relations do not resemble the family relations of the bourgeoisie. Universal subjection and conditions of industrial life have deprived him of a national character. Law, morality, religion, have become but "so many bourgeois prejudices."

The proletariat's predecessors had an already acquired status to make secure and fortify. They did this by subjecting society to certain conditions of appropriation. The proletariat has nothing of its own, its mission is therefore to "destroy all previous securities for, and insurances of, individual property." Unlike its predecessors, it has no lower class to exploit, for it is itself the lowest. It cannot stir or raise itself upward without forcing into the air the whole superstructure of society.

Part Played by Communism. The communists are the international representatives of the workers as a whole. The immediate aim of the communists is that of all other proletariat parties, "formation of the proletariat into a class, overthrow of the bourgeois supremacy, conquest of political power by the proletariat." The communists express the actual relations resulting from the class struggle and historical movements going on about them. Abolition of existing property relations is not a feature peculiar to communism. "All property relations in the past have continually been subject to historical change consequent upon the change in historical conditions."

In the sense that bourgeois property represents the "final and most complete expression" of an economic system based on "class antagonism, on the exploitation of the many by the few," and is destined to destruction, the communist theory may be summed up as the "abolition of private property." This statement is not as horrible as it sounds, for in existing society nine-tenths of the people have no property. Property is already non-existent for them.

The manifesto goes on to answer other charges brought against communism. It shows that the possessions, liberties, culture, prized by the bourgeoisie are the possessions, liberties, culture, of a favored few. Communism in destroying these will open the way for greater enjoyment and happiness for the many. The charges made against communism from the standpoint of religion, philosophy, and ideology are declared to be undeserving of serious examination. They are answered by Marx's economic interpretation of history: "Does it require deep intuition to comprehend that man's ideas, views, conceptions, in one word, man's consciousness, changes with every change in the conditions of his material existence, in his social relations and in his social life?"

The manifesto then sketches the part to be played by the victorious proletariat. After it has gained the political supremacy necessary to the establishment of communism, it must at first set up a dictatorship and increase the power of the existing state. Later the state, as we know it, will cease to exist, the dictatorship will crumble away, and classes will be abolished with the abolition of the conditions which caused their existence. The communist association in which the "free development of each is the condition for the free development of all" will replace the old bourgeois society.

The manifesto ends with an appeal for unity. It calls upon the proletarians to unite. They have "nothing to lose but their chains" and "they have a world to gain."

Result of Marxian Philosophy

The manifesto was published during an era of European revolutions to which it doubtless gave impetus. None of the revolutions was successful. Evidently world conditions were not ready for the desired change. But Marxian doctrines laid the foundation for a socialist movement which has steadily gained power in the European countries, and to-day forms the basis of the Russian system of government.

In the United States the movement has made less headway. This has been due to several factors, among them the abundance of cheap land, the later and more gradual development of the factory system, greater opportunities, the democratic form of government, the higher per capita wealth, the spirit of individualism dominant in the people. But changing conditions and the growth of inequality have opened a way for Marxian theories and other radical ideas. To-day parties and unions supporting

all of the various radical philosophies are well established in this country.

Value and Surplus Value. Marxian theories, as expressed in the manifesto and later writings, notably *Das Kapital*, have not all been accepted by Marxian followers. The two theories most questioned are those of value and surplus value.

Briefly stated, the Marxian theory of value is based on the idea that the value of a commodity is determined by the average social labor expended in its production. As labor creates all value, if the capitalist paid the worker the full equivalent of his labor, there would be no profits and accumulation of wealth would be impossible. But the capitalist pays the worker only a bare existence wage plus the amount necessary for him to reproduce his class. The residue goes to the employer and is surplus value. It is not clear profit, for the employer is compelled to divide it with other capitalists—the money lender, the landlord, the merchant. Surplus value represents the capitalist's share of the product. Wages represent the worker's share. An increase in one means a decrease in the other. Therefore, the capitalist's interests and those of the worker are diametrically opposed, and the two are constantly struggling over the issue.[3]

The Marxian theories of value are not essential to the socialist creed. Much has been written both in their support and their condemnation. For the purpose of this discussion, it is enough to know that the theories exist but are of questionable validity. Many of the prophecies of Marx have contained sufficient truth to show him to be a man of unusual penetration. But in the details concerning the concentration of wealth, the increasing misery of the workers, the clear-cut division of classes, the decrease of nationalism, history has so far proved him mistaken.

Socialism and Communism

Based primarily on Marxian doctrines, many degrees of socialism have developed. In general socialists do not believe in the complete abolition of private property. Some of the extreme left wing or communist group uphold the nationalization of all property, but most socialists believe in the retention of consumption goods. Every man should be allowed to have and own those things which he actually needs and which enrich his life. But he should not be allowed to possess at the expense of others.

Some socialists believe in the public ownership of all industries.

[3] Hillquit, Morris, "Socialism in Theory and Practice," pp. 156-158.

Others limit this to socially necessary industries. They are agreed that capitalism and the profit system should be abolished. But if no exploitation is involved, many socialists would leave scope to "private and voluntary coöperative production," especially in the fields of intellectual, artistic, handicraft, and agricultural production. The socialists' criteria for determining whether an industry should be publicly or privately owned are then two, the social welfare and exploitation.[4]

In regard to the question of land, some socialists uphold the complete socialization of land. Others believe there should be some private ownership, but the private title should always be subordinated to the public claim. Again the criteria for land ownership are social welfare and exploitation. All land held for purposes of investment should become public property. Land actually used for living purposes or utilized by the farmer who cultivates it personally would probably remain in private hands.

Socialists are united in supporting industrial democracy. Democratic management of industry is essential for the development of the workers' personality and the avoidance of the evils of bureaucratic control. Socialists are divided concerning the means which should be taken to accomplish this end. Some think that joint boards representative of the workers and the community should furnish the organs of control. Others incline to the guildsman's position that the hand and brain workers should democratically manage the business in which they are engaged while the consumers should have a voice in fixing prices and regulating production. Still others support the syndicalists' idea that the workers should control "all phases of production." The majority of socialists agree that differences in compensation varying with ability will be present under socialism, but these differences will be much less than exist to-day. A minority of idealists support the doctrine, "To each according to his needs, from each according to his ability." Most socialists look forward to the gradual substitution of the social motive for the money motive. With this substitution, incomes will tend to be more equal.[5]

Socialists do not seek to abolish either the family or religion. They do not approve of the commercialized family as it too often exists to-day. They do not believe in the double standard of morals. They rather generally favor economic independence for women and equality for both sexes. They believe that this will purify rather than destroy marital relations. Socialists are

[4] Laidler, C. W., "Socialism in Thought and Action," pp. 122-125.
[5] *Ibid.*, pp. 128-129, 136-137.

generally neutral in regard to religion, permitting each individual wide freedom of belief.

Concerning the form of government after socialism is once established, socialists are again divided. Prior to the war, the majority favored a democratic government of hand and brain workers. Democracy would be insured by such safeguards as the initiative, referendum, recall, equal and secret ballot, and other democratic measures. Precautions would be taken to protect the rights of a free press, religion, freedom of speech, art, and science.

Since the war, many socialists are convinced that a soviet form of government, similar in many respects to that adopted by Russia, is more appropriate to a socialist régime than is the present political state. Under the Russian Soviet government, representation is largely occupational, although some provision is also made for territorial representation. The typical soviet is composed of delegates elected by the workers in the factory or in labor unions. These local bodies are then federated into state and district soviets and finally into a national soviet. A large number of socialists support a middle position and with the guildsman wish to give representation to an individual both in his capacity of consumer and producer.

Socialists hold widely divergent views as to the methods by which the transition to socialism should be effected. Moderates believe that there are three avenues of approach—political, industrial, and educational. Left wing socialists or communists add to these three, coercion.

On the political side, moderates endeavor to organize hand and brain workers into political parties. These parties strive to elect representatives to office and to promote the political and industrial reforms calculated to advance the large interests of the workers. The workers' representatives must not permit their efforts to be diverted by small reforms intended to alleviate but not to cure. Working in this way through their own parties, the workers will gradually take over the machinery of government.

Unlike the socialists, the communists do not believe that the workers can win their struggle by means of the existing government machinery. They recognize the importance of political elections and of workers' parties. But they regard them as instruments of education for spreading communist propaganda rather than as direct means for obtaining the socialist state.

In the economic field both right and left wing socialists believe in coöperating with the existing trade and industrial unions, while striving to promote unionization on industrial rather than

trade lines. The idea of remaining within the trade union and at the same time seeking to destroy and replace it by industrial unionism is known as "boring from within." It is not a practice peculiar to radicals but has been used in different ways by factions of orthodox political parties. Both moderates and communists support the workers in their struggles against employers. Both advocate the general strike and other mass demonstrations. In general both favor the coöperative movement as a movement calculated to increase the workers' well being, decrease the capitalists' profits, educate the workers in industrial management, teach them coöperation, and aid them in their struggles against employers.

Communists in particular stress industrial action. They believe the workers must be concentrated in local and national soviets. When the crucial moment comes, they will then be ready to seize the industrial and political machinery of the bourgeois state and transfer it to the new soviet government of the proletariat. The proletariat will assume a temporary dictatorship. Only those engaged in useful work will be given a voice in the government. Property will be taken, probably without compensation, from its present owners and will pass into the hands of the people. As the power of the capitalists wanes, communism is firmly established, classes are wiped out, the dictatorship is no longer necessary, and the government becomes an instrument of administration. While communists do not ordinarily advocate force in establishing the new social order, they believe that the resistance of the capitalists to the communists' aims may resolve itself into an armed struggle. Their belief is based on the "historical fact that no ruling class has ever ceded its privileges without resort to force."

In their program of coercion, the communists deviate sharply from the moderates, many of whom oppose the dictatorship of the proletariat on the ground that the dictatorship of any class is dangerous and tends to destroy the ideals of democracy. They also desire to socialize industry more gradually and some of them would compensate the present property owners if conditions warranted such action.

Anarchism

Like the men who fathered them, socialism and anarchism are in some respects the antithesis of each other and are more completely unlike than any of the other radical philosophies. Marx,

the practical, founded a carefully thought out and systematized body of doctrine based on materialistic considerations. Bakunin, the idealist, formulated a chaotic, abstract creed based primarily on idealistic considerations. For a clearer picture of society under anarchism, it is necessary to go to his followers, particularly Kropotkin.

Modern anarchists and socialists are united in their condemnation of the evils of modern society. Both look forward to an age free of exploitation and insuring to each individual the greatest measure of happiness and equality. They differ in the methods taken to achieve and maintain this end. Anarchists discard political action, emphasize economic or "direct action," and believe in educational propaganda. A minority favor "propaganda of the deed" which may or may not mean terroristic methods. Political or moderate socialists place their main reliance on political action and combine with it economic and educational measures. Communist socialists are more inclined to agree with the anarchist, although they make some use of politics. The majority of socialists denounce violence.

When existing society with its incumbent evils has been replaced by the new order, anarchists and socialists are again at variance. The socialist contemplates a democratic form of government under which the need for coercion will grow less with the removal of many of the motives to commit crime. But the socialist state will be necessarily a strong state, for in addition to its political activities, it will own and possibly have a part in managing many or all of the industries now in private hands. The anarchist contemplates the elimination of all formal laws and every kind of forcible government. Under anarchism, "acts of the community" will still exist, but they will emanate from the desire of all of the people, not from the will of the majority imposed on the minority. The anarchist believes that men are made evil by government restraint. With the abolition of capitalism and private property much of the necessity for such restraint will vanish. The compulsion of law and government will be replaced by the practical application of the principle of "mutual aid." Scientific organization of production will greatly shorten the hours of work, render it more agreeable, bring leisure to every individual, and create enough products to satisfy the needs of all.

The orthodox socialist upholds the liability of all to labor, but the anarchist does not believe in compelling any one to work. Under anarchism there will be no economic reward for labor, but commodities will be freely supplied to every one. The

anarchist believes in the native goodness of man. He does not believe that compulsion to work will be necessary in an ideal anarchistic society. Work will be a habit, "idleness an artificial growth." Industry, like other social relationships, will be under no coercive restraints. It will be conducted by voluntary coöperative agreements arrived at in the free unions of workers.

The anarchist doctrine of a free society has attracted many disorderly and lawless persons. The better type anarchist denounces indiscriminate terrorist methods. He may believe that when the time arrives for the change he contemplates, revolutionary methods will be necessary; but he has no sympathy with sporadic, unnecessary, and ineffective cruelties. The philosophic anarchist denounces all violence and believes that educational methods alone will effect the desired end.

Syndicalism

Syndicalism is an intermediary step between anarchism and socialism. It is distinctively a labor movement, developing in the trade unions of France and capturing the more revolutionary unions for its own. Syndicalists adopt the Marxian view of the class struggle. They regard this struggle as taking place not only between the capitalists and the workers but between the workers and the state. The state, to the syndicalist, is the organ of the upper class and the enemy of liberty. Like the class which controls it, it must be abolished. For this reason workers should keep out of politics. Politics lead to corruption and tend to blur the class struggle by compromises. The only permissible participation in politics is the pressure brought to bear on political institutions through mass meetings and demonstrations, manifestoes, and the press. In their opposition to political action, syndicalists are in agreement with anarchists and at variance with political socialists. The latter group criticize the syndicalists for refusing to employ political measures and for placing their entire reliance on industrial action. Left wing socialists or communists are more inclined to favor the syndicalists' position, although they ordinarily approve of some participation in politics.

The industrial methods favored by the syndicalists are the strike, boycott, label, and sabotage. Sabotage means slowing up the work, accomplishing as little as possible, rendering machines useless, spoiling the products, telling customers the truth about their purchases, giving them overweight, even going occa-

sionally to the extreme of dynamiting and train-wrecking. Syndicalists as a class do not favor, however, any act of sabotage which may result in loss of life. Sabotage is a secret form of strike. It means striking but remaining on the pay roll. A saboteur is much like a spy. He is working for a cause, and he believes deceit and fraud are justifiable for the attainment of his end.

Of all the industrial weapons employed by the syndicalist the strike is considered the most effective. To use this weapon best the workers must be strongly unionized. Syndicalists, like socialists, believe therefore in industrial unionism. The strike not only obtains better conditions for the workers, but it teaches them their importance and power as producers. Through the education and concessions gained by strikes, the workers are in a better position to launch the general strike. This will embrace sufficient workers to paralyze all industry and bring about the surrender of the capitalists. Socialists, communists, and many anarchists favor the general strike, but moderate socialists place their chief reliance on political action, and anarchists and some of the communist group do not believe the strike will suffice. A part of them at least are inclined to think that the change can only be effected by violent revolution.

After the workers have attained power, the syndicalists are less definite as to the type of society they will call into being. They incline more toward the anarchist than toward the socialist ideal of the state. Indeed the syndicalist movement represents a revolt against the bureaucratic state which syndicalists think socialism will create. The syndicalist contemplates a decentralized form of government carried on by industrial units. The greatest power will rest in local syndicates or unions united into local exchanges. These unions will be combined into national bodies, but these bodies will have little power. They will exist to attend to matters of national importance which inherently require uniform action such as international relations. They will be empowered to act only under the strictest referendum. The syndicalists desire as few laws as possible and wish these mainly to concern industrial relations. They believe that the workers joined in their unions should own and control property and in their hands should rest the conduct of industry.

The I. W. W. Syndicalism is best expressed in the United States through the Industrial Workers of the World, or the I. W. W. Like the Confédération Générale du Travail, the corresponding French organization of syndicalists, the I. W. W.

is not strong numerically. Its power rests on its ability to mobilize the workers in times of crisis. It is peculiarly a union of unskilled workers as opposed to the American Federation of Labor which is peculiarly the organ of the skilled. It upholds the industrial form of union and denounces the trade division which is the prevalent type in the federation. It is revolutionary, while the federation is conservative. It is outlawed in certain sections of the country and brings down opprobrium on unionism. For these reasons the I. W. W. and the federation oppose each other and at times this opposition works to the detriment of the workers in favor of the employers.

The I. W. W. has a centralized organization in contrast to the decentralized form of the Confédération Générale du Travail. Its philosophy is practically the same as the French philosophy. The methods it employs are similar though somewhat more violent. Its aims, like those of the French syndicalists, are less definite than its methods. It contemplates an industrialized producers' society, conducted by the workers united in unions.

The preamble of the I. W. W. speaks for itself:

"The working class and the employing class have nothing in common. There can be no peace so long as hunger and want are found among millions of working people and the few, who make up the employing class, have all the good things of life.

"Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system.

"We find that the centering of the management of industries into fewer and fewer hands makes the trade unions unable to cope with the ever-growing power of the employing class. The trade unions foster a state of affairs which allows one set of workers to be pitted against another set of workers in the same industry, thereby helping to defeat one another in wage wars. Moreover, the trade unions aid the employing class to mislead the workers into belief that the working class have interests in common with their employers.

"These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries, if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

"Instead of the conservative motto, 'a fair day's wages for a fair day's work,' we must inscribe on our banner the revolutionary watchword, 'abolition of the wage system.'

"It is the historic mission of the working class to do away with capitalism. The army of production must be organized, not only for

the every-day struggle with the capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old."

Guild Socialism

Like other radical groups, guild socialists accept the Marxian interpretation of the class struggle, the present slavery of the workers, and the coming change. They believe with the syndicalists in decentralization, in the extension of local initiative and autonomy to the small group, in the joy and freedom to be derived from a democratized form of society. Like the syndicalists, they represent a movement of revolt against the bureaucratic government which they fear state socialism entails. On the other hand, they object to syndicalism because of its vagueness and lack of constructive ideas concerning the new social order. Unlike the syndicalists, they are not satisfied with a society governed wholly by man in his capacity of producer, nor are they willing to neglect the producing element and accept a government representative solely of man in his capacity of consumer. They aim to utilize both elements but disagree as to the exact form the new society will take. They are agreed in the main as to the manner in which the producers will be organized. Under a guild system, they will be gathered into national guilds. Each guild will include all hand and brain workers engaged in a "distinct and coherent service or group of services." In general, the guilds will be industrial and civic. Industrial guilds will include all industries connected with transportation, manufacturing, and agriculture. Civic guilds will encompass the professions such as medicine, education, law.

The members of the national guilds will be dispersed throughout the country working in the mines, factories, shipyards, etc., which form the local units of the guilds. To secure democratic control of industry, the workers in these various units will elect their own officers. Whenever a post requires skill or technique, certain qualifications will be made a condition of eligibility. The right of recall with certain limitations will be generally employed.

Besides the industrial guild formation, the workers will be organized on craft lines. Quite possibly a part of the workers from several guilds may belong to one craft organization. For instance, stationary engineers may be employed in many different

kinds of industries but will belong to the same craft. The workers organized on craft lines will be represented in the different regional and national guild units.

The different guilds and their parts which are connected by a common interest will have close relationships with each other. The transportation and manufacturing industries will be in constant touch with the coal industry, and they will be mutually represented in each other's governing bodies. The separate guilds will be coördinated through local and regional councils and finally through an industrial guild congress.

The duties of these coördinating bodies will be to determine and interpret the essential principles of guild organization and practice, adjudicate inter-guild disputes, and represent the producers' point of view in negotiations with the representatives of the consumers on matters affecting the community as a whole. The industrial guild congress will serve as a final court of appeal on all purely guild questions.

Most guildsmen agree with moderate socialists that equality of pay will be impossible at first under the new order of society. They also agree that this principle will slowly develop. Finally the idea of remuneration may be abolished and an equal division made of the national income without regard to service.

The guildsmen are vague as to the question of membership in the various guilds. After stating that guilds are open organizations, they proceed to place certain restrictions on membership. These restrictions they think will be based on fitness for the work and available openings. Nor have guildsmen any definite proposal for shifting workers from one industry to another in accordance with demand and supply. Like the socialists, they believe certain incentives will be offered for the performance of dirty work, and every guild worker will be assured economic security. His remuneration will not be reduced because of unemployment, sickness, or old age. Through this economic protection and the democratic organization of industry, the worker will secure freedom and joy in work, the keynotes of guild socialism.

In general the guildsman contemplates a sort of partnership between the guilds and the community. The administration of industry will be in the hands of the workers, but the ownership of industry will be by the entire people. The majority of guildsmen also agree that the public should have some part in determining or some way of protecting the quantity and quality of production, the prices of commodities, and the remuneration paid the workers.

Functional representation, one of the guild socialists' principles, is carried to some detail by Mr. G. D. H. Cole. He contemplates functional representation on an economic and non-economic basis. Economic functions will embrace producers and consumers. Non-economic functions will incorporate civic interests and territorial units. Thus, in addition to the guild organization representing producers, there will be parallel consumers' organizations, cultural and health councils and ward, township, and regional units. The representatives of these functional bodies will be elected indirectly by the people. The various groups will be closely coördinated through constant meetings of guilds with interested consumers' associations or with other bodies. Thus, the cultural councils will be vitally interested in education and with the teachers' guilds will practically determine educational policies. The partnership of workers and public will be further secured by coördinating all the different functional organizations through local and district communes and finally through the national commune, the highest governing body.

While many guild socialists do not accept the communal organization outlined by Mr. Cole, they desire with him to decentralize government as much as possible and to place in the hands of local bodies a large part of the powers now possessed by the state. Many guildsmen likewise disagree with Mr. Cole about the part to be played by consumers. One group leans toward the syndicalist position and wishes to give the producers in their guilds greater autonomy and an almost absolute voice in matters affecting production. A minority inclines toward the moderate socialist viewpoint and places the balance of power in the hands of consumers.

In general, guildsmen agree that the people as a whole, whether combined in the commune pictured by Mr. Cole or in a different government organization, will control certain communal functions. These will embrace the issue of currency and possibly control and management of the financial problems of the people, international relations, coercive machinery, both for defense and the preservation of order.

Guildsmen are also practically agreed on the matter of taxation. Each guild will be required to pay a certain rent to the guild commune or state. This rent will be levied according to the guild's capacity to pay. In other words, the surplus earned by the guilds and not required for depreciation, insurance, capital, or other such provision will go to the community. This will furnish a simple and direct form of taxation and will serve as a

check to profiteering, should the guilds be left free to fix their own prices as some guildsmen advocate.

Like socialists, most guildsmen do not expect or particularly desire to socialize all occupations. Artists, journalists, inventors, ministers, small tradesmen, craftsmen will probably continue to carry on their pursuits independently but in conformity with the guild society by which they are surrounded.

Guild socialists advocate certain tactics to attain their ends. Believing that the change demanded is fundamentally economic, they primarily emphasize industrial rather than political action. In this they agree with the syndicalists and communists rather than with the moderate socialists. Guild socialists deviate from the syndicalists and agree with the communists in treating politics as a secondary means. Guild socialists wish labor to secure control of the local government and reform it along guild lines. In this way politics can be used to ease but not to accomplish the transition.

On the industrial side, guild socialists, like other radical groups, desire to educate the working class and build up the trade unions on industrial lines. The unions will be strengthened by incorporating all types and grades of workers, by democratization, and the development of clear-cut policies. In this way the unions will be gradually molded to the form of the future guilds. As a further means of strengthening the unions and weakening the employers, guildsmen advocate a policy of encroaching control. The unions will take every opportunity to infringe on the province of the employers and take over their powers. To achieve this object, the workers must make constant use of direct action. They must also give their support to the coöperative movement as a movement able to give them valuable monetary assistance in times of crisis and having a definite part to play in representing consumers in the new social order. Workers may in addition to these measures seek to gain control of credit, for finance is a foremost weapon in the hand of either workers or employers. They must also set up as many actual guilds as possible, for propaganda by experimentation is most potent in its effect on the people.

To these evolutionary processes are added the revolutionary measures. These consist of the general strike and actual force. Guild socialists do not advocate force, but, like the communists, they realize that force is a possible contingency. Guild socialists also realize that neither force nor the general strike will be likely to prove successful unless the capitalist class is far weaker

and the working class far stronger than it is to-day. For this reason many guild socialists are content to contemplate a long period of evolutionary measures, preparatory to the final action.

Conclusion

Whether any part of these various philosophies will form the basis of a new social order remains a matter for conjecture. It is obvious that mankind does not stand still. Either the capitalist system will be slowly bettered and will find a solution for many of the present economic evils, or other more radical changes will take place. All of the proposals made are incomplete. The most constructive plan is offered by the guild socialists. They have placed their emphasis less on tactics than on the system by which they hope to replace capitalism. Their suggestions concerning functional representation and democratization of industry are well worth consideration.

Moderate socialism contemplates a less radical change than any of the other proposals. Indeed, heavy taxation of incomes, government ownership of public utilities and other socially necessary industries, a purging and democratizing of government, would go far toward establishing such a system.

Syndicalism has a less comprehensive plan for the reconstruction of society than either socialism or guild socialism. It emphasizes producers' control and inclines more toward the anarchists' position favoring a free society and a minimization of laws.

Anarchism is still more vague and advocates the greatest step from the existing order. Even were its faith in human nature warranted, it takes no account of the mentally disordered and incompetent. It affords the weak no protection from the strong. It denies the teachings of experience that greater liberty exists for both weak and strong under intelligently constituted and administered laws.

Communism finds expression in Russian sovietism which has not yet had time to prove itself. The experience of the Russians has taught several things to other groups desirous of replacing the existing order. It has shown that the change may substitute the dictatorship of one class for the dictatorship of another. Some radicals believe this to be a necessary step in setting up a workers' government. Others think that the strict control exercised in Russia will be difficult to relinquish. They also realize that the Russian government to maintain itself has

adopted many of the oppressive measures of other governments. It has curtailed freedom of speech and of the press. It has severely punished political offenders. It has found it necessary to relinquish some of its communist ideas and to compromise with the capitalist system. It has not yet succeeded in democratizing industry by giving the workers a voice in its actual conduct, for the workers proved unprepared to assume this responsibility. It has not placed women on a real footing of equality with men. It is true that Russia has had to contend not only with internal chaos but with the interference and hostility of other nations. But the Russian experiment has shown that many of the reforms desired by socialist groups will take years to establish. Any new régime may bring improvements or may constitute at least a temporary setback. It will not bring the millennium and may itself be eventually replaced by a better order.

It is questionable how far we can go toward equalizing conditions of life for mankind and giving to the workers greater democracy and freedom without raising the general standard of human intelligence. A vote in industry, functional representation, control by workers will not draw the mentally deficient into any active or intelligent participation in industry or government. Large numbers of the population are of low grade mentality. To them the socialists' instruments of democratization will mean little except protection. The great bulk of people of all types are content to sit back and permit domination by a few leaders. The desire to place control in the hands of the people is laudable. It is the goal of all true experiments in democracy, but it cannot be achieved in practice until the people will or can use their power actively and intelligently.

Socialist schemes in general promise equality to women, but this important question is ordinarily relegated to a very secondary place. Under any system in which control rests mainly in the hands of producers, women in the home will have little voice in the government. Even were the idea generally adopted that women should be freed of household tasks and their present duties socially cared for, many years would probably elapse before this could be accomplished. In the interim the majority of women would remain in the home, and unless housekeepers were gathered into a producers' organization of their own, their share in public affairs would be even less than it is to-day. The radicals offer many suggestions for compensating and inducing the performance of dirty and unpleasant work in industry, but there is little emphasis placed on the inducements to be offered for the

performance of the dirty and unpleasant features of housework. They stress the joy of the creative impulse, the necessity of procuring freedom to follow it, but are more or less silent as to how women are to be liberated from the largely mechanical round of household tasks.

The radicals' plan for a decentralized form of government is also open to criticism. All modern tendencies are toward greater centralization. Better means of transportation and communication have integrated large populations and have centered government in the nation rather than in the small community. With the exception of the proposals of syndicalism and anarchism which are entirely inadequate, the other suggestions offered would scarcely achieve the desired result. They contain many features leading toward bureaucracy rather than decentralization. Indirect representation, when advocated, likewise represents a step backward, for the modern trend is toward direct representation and responsibility.

On the other hand, the ideals of all socialist groups are humanitarian. They desire to better the condition of the masses, to bring them greater happiness, intelligence, and freedom. They wish to destroy class divisions, to insure equality of opportunity to all, and to effect an equitable division of the world's wealth. Their aims strike at the root of the industrial problem as it affects capital and labor and also embrace the sex and Negro problems, for in an idealistic way there is a definite desire to wipe out, with economic inequalities, the artificial discriminations imposed on sex and race.

XXIV

PROGRESS OF ANGLO-SAXON LIBERTY

The great Anglo-Saxon documents of special importance to Americans which set forth in a simple way many of the fundamentals of political freedom are the Magna Carta, the Petition of Rights, the Bill of Rights, the Declaration of Independence, the First Ten Amendments to the Constitution, the Declaration of Sentiments, the Emancipation Proclamation and the Thirteenth, Fourteenth, Fifteenth and Nineteenth Amendments.

The Magna Carta, 1215

The Great Charter has been described as "the greatest and most enduring landmark of English constitutional liberty—the first of its creative statutes." Its main purpose was not to create new liberties but to define in written form those already in existence and to prevent their violation. Its claim to greatness rests on several factors. It was not the voluntary gift of the king but was forced from him by the rebellious nobles and clergy and showed that the king might be compelled to observe the wishes of his vassals. It prevented certain feudal principles of government from being replaced by absolute monarchy. In return for loyalty and service the king was expected to give his subjects good government. This principle was rapidly being superseded by the theory that the king had a right to rule as he pleased when the privileged classes forced from him this acknowledgement of contractual relationship in government. In the third place the contents of the Great Charter were important. The king was required to refrain from certain illegal acts. In other words he must obey the law. The benefits granted by the king to his tenants in chief were in turn to be conferred by them on the people below, so that indirectly they would be spread out through the nation. While the majority of the document's provisions were devoted to matters pertaining to the age in which they were written, others were more general in character and contained the germs of great principles subsequently to be developed. This was true of the two famous provisions, "No free man shall be seized or imprisoned

or dispossessed or outlawed or banished or in any way injured, nor will we attack him nor send against him, except by the legal judgment of his peers or by the law of the land;" and "To no one will we sell, to no one will we deny or delay right or justice." Lastly the Great Charter furnished a body of reference. It created written precedents to which the people could appeal, and later was developed and interpreted to mean much more than was originally intended.

The Petition of Rights, 1628

The Petition of Rights was forced on Charles I by Parliament. It was intended to rectify certain grievances of the people against the king. England was involved in a war with France in which the people were little interested. In preparing for this war, the king and his ministers had billeted soldiers on householders without asking their consent, had levied unauthorized taxes, and had imprisoned persons refusing to pay them.

The petition demanded that no loans or taxes be imposed without the consent of Parliament, that trial by martial law be abolished, that the billeting of soldiers in private homes be prohibited, and that no freeman be detained except upon specific charge.

The Petition of Rights, like the Great Charter, dealt particularly with specific matters then in dispute rather than with general principles. Both documents were forced from a reluctant monarch and both demonstrated to the people their power against the absolutism of the king.

The Bill of Rights, 1689

The Bill of Rights, like the Great Charter and Petition of Rights, was the result of oppression. It marked the successful termination of the Revolution of 1688 in which a despot was deposed and the crown offered by Parliament to the nearest Protestant heir. Thus the authority to rule descended on William and Mary not as a right derived from God but as a gift from Parliament. It was granted only upon the condition that the monarchs accept the Declaration of Rights which later became in statute form the Bill of Rights.

By certain important provisions of this act:

1. It was declared illegal to dispense with laws or the execution of laws by regal authority.

2. The right of petition was insured all subjects.
3. The maintenance of a standing army in time of peace, unless with the consent of Parliament, was said to be contrary to law.
4. It was stated that the election of members to Parliament ought to be free.
5. Freedom of speech, debates, or proceedings in Parliament ought not to be impeached or questioned except by Parliament.
6. Excessive bail, fines, or cruel and unusual punishments ought not to be imposed.
7. Frequent meetings of Parliament ought to be held for the redress of grievances and the amending, strengthening, and preserving of laws.

The Bill of Rights ranks with the Great Charter and the Petition of Rights, the three forming the most important documents which define English constitutional liberties and protect the people from the despotism of kings. The principles set forth were the heritage of the Anglo-Saxon race, and they found their way into the American colonies, predominantly settled by Englishmen. Later the colonists followed the example of their English forefathers and refused to tolerate what they regarded as royal despotism and an infringement of their rights as Englishmen.

The Declaration of Independence, 1776

These among a variety of causes induced them to rebel against the mother country. The Declaration of Independence, in addition to setting forth the abuses from which the colonies suffered, stated certain "self-evident" truths:

1. All men are created equal and endowed by their creator with certain unalienable rights, among them, the rights to "Life, Liberty, and the pursuit of Happiness."
2. Governments are instituted to secure these rights to the people, and the power of government is derived from the consent of the governed.
3. "Whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."
4. Prudence demands that governments are not changed for light or transient causes but if preceded by a long train of abuses and usurpations, such a course is not only the people's right but their duty as well.

The Constitution of the United States, 1787

After the colonists had won their independence, unity and a stable government were necessary if it was to be retained. This was secured by the adoption of the Constitution, 1787. The body of the Constitution defines the powers conferred on each branch of the government. It provides for the representation of the people in the government. It insures to every individual the right of habeas corpus (immediate hearing before a judge) and this right cannot be suspended except in cases of rebellion or invasion when the public safety may demand it. In this way the individual is protected from long imprisonment without a hearing. Also the formation of an aristocracy based on birth is guarded against by the provision which forbids the granting of titles of nobility by the United States and prohibits public officials from accepting such titles except with the consent of Congress.

The first ten amendments incorporate the various civil liberties of the people. They embody the important principles of the Great Charter, the Petition of Rights, and the Bill of Rights, and aim to protect the liberties of the individual against too great encroachment by the central government.

Article I. Congress shall make no law abridging freedom of religion, freedom of speech, or of the press; or "the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Article II. The right of the people to keep and bear arms shall not be infringed.

Article III. Troops shall not be billeted in private houses in time of peace without the consent of the owner or in time of war except as prescribed by law.

Article IV. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Article V. "No persons shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury," except in cases arising in the military or naval forces engaged in actual warfare; nor shall any person be tried twice for the same offense nor in any criminal case be compelled to bear witness against himself; "nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Article VI. In all criminal cases, the accused shall have a speedy

and public trial by an impartial jury with counsel and witnesses, shall be informed of the charge, and shall be confronted by the witnesses against him.

Article VII. In common law suits where the disputed value exceeds twenty dollars, the right to jury trial shall be preserved and no fact so tried shall be reëxamined in any court in the United States except according to the rules of common law.

Article VIII. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Article IX. "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Article X. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

A similar body of rights was incorporated into the constitutions adopted by the separate states, and liberty was further assured by the gradual extension of the suffrage to practically all white male citizens. But two large classes of persons were deprived of rights and liberties in a manner incompatible with democracy, women and Negroes.

The Declaration of Sentiments, 1848

The document which demanded equality for American women was the Declaration of Sentiments. This declaration, like the other great instruments of liberty, grew out of injustice and oppression. It was patterned on the Declaration of Independence and declared that all men and women are created equal and endowed with certain unalienable rights, the rights of life, liberty, and the pursuit of happiness. Government exists for the purpose of securing such rights to its citizens and when this purpose remains unfulfilled, those who suffer may refuse allegiance to the existing government and institute a new one in its place. The declaration goes on to say that the time has come when women can no longer endure their present status under the government and demand the equal station with men to which they are entitled. A list of grievances is then propounded which enumerates some of the inequalities between women and men and the wrongs suffered by the former at the hands of the latter.

Unlike the other great documents of liberty, this declaration was preceded by no armed uprising, nor did it secure any immediate results. But it helped to awaken men to the fact that think-

ing women were restless and dissatisfied with their position, understood the meaning of liberty and equality, and were ready to struggle to secure these essentials to a broad and satisfactory existence.

The Emancipation Proclamation and the Thirteenth, Fourteenth, Fifteenth and Nineteenth Amendments

The measures taken to free the slaves brought concrete results. The Emancipation Proclamation of 1862 freed the slaves in the seceding southern states. It was followed by the Thirteenth Amendment in 1865 prohibiting slavery throughout the United States and by the Fourteenth and Fifteenth Amendments, 1868 and 1870, intended to secure citizenship, protection, and the right to vote to Negroes. Not until 1920 did the women obtain the franchise by the Nineteenth Amendment. Both women and Negroes still do not enjoy the same political liberty assured to white males, and both suffer from social and legal inequalities.

Public Interest

The Declaration of Sentiments and portions of the measures taken to free the Negroes projected the ideal of liberty into the new ideal of public interest. Public interest means greater liberty for the many at the expense of the few. It replaces the older ideal of individualism. It does not bow to strength but rather protects weakness. All races enjoy an equal measure of freedom; women are given equal rights with men, for true liberty has neither sex nor color.

This ideal liberty is a long way from realization. But tentative steps have been made toward its accomplishment. They are visible in the gradual progress of the Negro race, in the woman movement, and in certain of the restrictions governing immigration. They are seen in the extension of the police power of the state. This power permits the government to abridge the rights of individuals and corporations if such abridgement is necessary for the protection, comfort, and health of the many. It is under this power that the state has in certain cases prohibited lotteries as public nuisances. It is partly for this reason that laws have been enacted limiting the working day of women and children. When it is realized that such protection is equally necessary for men, a way will be found to regulate their hours of work. At the

present time there is some regulation of hours for male employees in occupations considered dangerous to their health. The state is free to prescribe certain conditions under which professions affecting the physical and mental well-being of the people must be conducted. The Federal Prohibition Amendment is an example of the exercise of federal control over the health and morals of United States citizens. Federal pure food laws and state inspection of the milk and water supplies are measures taken to protect citizens from disease. The public health departments strive to guard against the dangers incident to overcrowding and bad sanitation. The federal maternity bill is designed to care for prospective mothers, to give them medical instruction and treatment before, during, and after childbirth so that child life and mother life may be preserved as far as humanly possible.

The state and city governments try to guard their citizens from accident by traffic laws, by fire regulations, by condemnation of unsafe buildings, by requiring walls, elevators, ventilating shafts, etc., to be protected, and by the installation of certain safety devices in industry. Public hospitals, public education, art museums, public libraries, public gymnasiums, baths, parks, and playgrounds are other ways in which public funds are employed for the benefit of all the people. The regulation of public utilities and the agitation for government ownership show the trend which the development of the new ideal of public interest is taking. Dangers as well as benefits lie in the extension of this ideal. The state can become a great despot which rigidly controls the life of the individual. It is essential to safeguard the public interest, but it is also essential to guard against a too great infringement on the liberty of the individual. Public interest means liberty for the many, but the many will not be free if they have no rights as individuals.

Economic Liberty

In addition to these reform measures which bring to the people greater enjoyment and greater freedom from accident and disease is the growing realization that political and social liberty is essentially lacking without economic liberty. A man must have the time and the energy to enjoy his liberties and opportunities if they are to be really worth while. He must be free of anxiety, must be able to live with some degree of comfort, to have a margin for emergencies, and a voice in questions affecting his industrial life. An individual trying to support a family on a bare

subsistence level has no real liberty or equality of opportunity. Protection to property has no significance to him, for he has no property. The average man never encounters the provisions protecting him in case of arrest and imprisonment, although these are important and essential safeguards to civil liberty. Freedom to travel has no meaning to the man without the means to enjoy this privilege. The freedom of speech and written word, so essential to the person of ideas, is of less importance to the masses. Even self-government and representation through the franchise lose their significance when government is dominated by the few, while the right to hold office is a hollow right to him who will never have the possibility of enjoying it. In the abstract all these rights are essential to every human being and should be carefully safeguarded. In the concrete the poorer classes, constituting the great majority of the people, are more concerned with the status of the breadwinner in business or industry, with a comfort wage, time to enjoy life, immunity from the constant strain of "keeping the wolf from the door," and representation in their working life which constitutes the main part of their existence. Only by securing these essentials can political and social liberty be rounded out, can equality of opportunity be secured, and the ideal of public interest attained.

XXV

CIVIL LIBERTIES IN TIME OF WAR

The Alien and Sedition Acts of 1798 furnished a precedent for the restriction of civil liberties during the World War. These early laws were enacted because of the threat of war with France. The alien law permitted the President to cause the deportation of aliens whom he deemed dangerous to the peace and safety of the nation. The sedition law made it a crime to libel the government, Congress, or the President, to excite the hatred of the people against them, to stir up sedition, to incite resistance to law, or to aid foreign enemies of the United States. The maximum penalty under this act was two years' imprisonment and a fine of $2,000 in contrast to the fine of $10,000 and the maximum of twenty years imposed by the act of 1917 and 1918. The early acts met with popular disapproval and furnished one of the causes for the downfall of the Federalist Party which was responsible for their enactment. Thomas Jefferson had declared the sedition act unconstitutional, as it violated the First Amendment. On becoming President he freed all persons imprisoned under this act, and Congress later repaid their fines. The greatest danger in these laws was the tendency to interpret them according to the doctrine of evil intent. What a man intends is difficult to determine, especially when interpreted by persons out of sympathy with his opinions.

The Espionage Act of 1917 and 1918

The second great restriction of civil liberties occurred in 1917 and 1918 and was the result of conditions arising from the World War. This conflict, involving most of the important nations of the world, was of special import to the United States. The inhabitants of the United States were peculiarly a people of mixed blood. Many of them were closely related to the peoples of the enemy countries. Many of them were not born in this country and had not become citizens. The government could not be sure of the loyalty of these factions. Moreover there were many radical groups opposed to the war. These groups were not strong

numerically, but they were exceedingly active in spreading their propaganda. The government feared that existing statutes were inadequate to suppress these elements, and so the Espionage Act of 1917 was passed. It is pertinent at this point to mention that the previous wars of the United States, even the Civil War, when the enemy was very close, had been fought without resort to an espionage act. During the Civil War, it is true, several criminal statutes were enacted under which conspiracies to resist recruiting and conscription by forcible means or trying by speech or publication to persuade men to evade the draft might be punished. While many arrests were made during this war they were ordinarily carried out against persons who were actually causing desertions and were well within the test of "clear and present danger." Lincoln's policy on the whole was one of prevention rather than punishment. The Espionage Act of 1917 was more comprehensive than these laws. The portion of this act particularly affecting civil liberty declared:

1. "Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies,
2. "and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States,
3. "or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than twenty years, or both."
4. Persons conspiring to violate the above provisions if they committed any act to effect the conspiracy were liable to punishment.
5. The issue of search warrants for the seizure of property used as a means of committing a felony which would include the above provisions was authorized.
6. Any matter violating the act or advocating treason, insurrection, or forcible resistance to law was made non-mailable and heavy penalties were imposed for attempting to use the mails for this purpose.

The act of 1917 according to the Attorney-General was not entirely satisfactory. It was effective against organized disloyal propaganda but did not prevent the casual or impulsive disloyal remarks which were made with considerable frequency and angered the communities in which they occurred, causing them to

desire more effective legislation to reach such cases. The Attorney-General also complained that the word, "obstruct," was narrowly interpreted by some of the district courts and for this reason the law was robbed of its power.[1]

The Attorney-General's request for an amendment to the act of 1917 was complied with. Congress adopted an amendment even stricter than had been asked for. The amendment of 1918 inserted the words "attempts to obstruct" in the third of the offenses enumerated in the act of 1917 and added:

1. Saying or doing anything, except by way of bona fide and not disloyal advice, with intent to obstruct the sale of bonds or other securities of the United States or the making of loans by or to the United States;
2. Saying, printing, writing, or publishing any disloyal, profane, scurrilous or abusive language about or any language intended to cause contempt, scorn, contumely, or disrepute of the form of government of the United States, the Constitution, the military or naval forces, the flag, the uniform of the army or navy;
3. Or any language intended to incite, provoke, or encourage resistance to the United States or to promote the cause of its enemies;
4. Or the willful display of the flag of any foreign enemy;
5. Urging in any way any curtailment of production of any of the things essential to the war with intent to retard its prosecution;
6. Advocating, teaching, defending or suggesting the commitment of any of these acts;
7. Supporting or favoring by word or act the cause of any enemy country or opposing the cause of the United States.
8. The commitment of any of these offenses was made punishable by a fine of not more than $10,000, or imprisonment for not more than twenty years or both.
9. The non-mailable clause of the act of 1917 was strengthened.

The amendment was passed so late in the war that it had little effect on most of the cases, which were prosecuted under the act of 1917. Its chief importance rested on the precedent it created for similar repression in future wars.

Interpretation of Act

There was some discussion whether this act, particularly the amendment of 1918, violated the First Amendment which among

[1] Chafee, Z. Jr., "Freedom of Speech," pp. 43-44. This book forms the basis of this chapter.

other things forbade Congress to make any law abridging freedom of speech or of the press. The extremists on one side declared that the amendment applied to peace time only and that it automatically ceased to act in war time. This view was denied by the Attorney-General. Extremists on the other side held that under the First Amendment all speech and writing was free and only action could be punished. Neither of these two views was tenable and in interpreting the law a middle course was followed. The judiciary based some of its decisions on the old Blackstone theory. This theory defined freedom of the press as laying no previous restraint upon publication. An article once published was liable to censure. In other words the law could not interfere before the words were spoken or published but might do so afterwards with impunity. Freedom of speech under such a theory constituted no freedom at all. The second interpretation which found favor among the judges of espionage cases drew the line between "liberty" and "license." According to one judge holding this view, "Every citizen has an equal right to use his mental endowments, as well as his property, in any harmless occupation or manner; but he has no right to use them so as to injure his fellow-citizens or to endanger the vital interests of society. Immunity in the mischievous use is as inconsistent with civil liberty as prohibition of the harmless use. . . . The liberty protected is not the right to perpetrate acts of licentiousness, or any act inconsistent with the peace or safety of the State. Freedom of speech and press does not include the abuse of the power of tongue or pen, any more than freedom of other action includes an injurious use of one's occupation, business, or property." [2]

Decisions based on this theory depended largely on the opinion of the judge as to what was "abuse." If the First Amendment was held to protect only "lawful" speech, its protection was very slight for at any time Congress was at liberty to declare any class of speech criminal. Certain kinds of utterances had long been considered unlawful under the common law and without the scope of free speech laws. Libel, slander, indecent writings, contempt of court, etc., were placed in this category. Beyond this, the line was difficult to draw and in the absence of a definite standard left much to the liberality and opinion of the individual judge.[3] Such a standard was not set until after the war when the unanimous opinion in the Schenck case, 1919, established the test of "clear and present danger."

[2] "Freedom of Speech," pp. 7-14.

[3] *Ibid.*, pp. 14-15.

A third basis for decisions was the old doctrine of intent which had lain dormant since the Espionage Act of 1798. Men were again punished without overt acts because judge and jury read into their speech a tendency to injure the state.[4] Yet anything so intangible as the hidden purpose behind spoken words seemed scarcely sufficient ground for sending men to prison for twenty years.

Abrams v. U. S.

Perhaps one of the best examples of a case of this kind was that of Abrams *v.* U. S. This case involved six young Russian aliens. The oldest, Abrams, was 29. The youngest, Molly Steimer and Lipman, were 21. One of their number died before being brought to trial so that only five were tried and four convicted. On a rude printing press in a basement they printed the seditious pamphlets for which they were convicted and scattered them out where they knew they would be picked up and read. The leaflets were in English and Yiddish. Those in English accused President Wilson of hypocrisy. They stated that publicly he pretended to adhere to a policy of non-interference in Russia while secretly he sent troops there to crush the Russian Revolution. The reason for his action they attributed to his fear of a proletarian republic, a fear shared by all capitalists and capitalist nations. The leaflet then appealed to the workers of America to prevent capitalism from crushing the Russian Revolution. The Russian proletariat were pictured as crying to their brothers for help. The circular exhorted them to answer this cry, to "Awake! Rise! Put Down Your Enemy and Mine!" A footnote stated that it was absurd to call the Russian revolutionists pro-German, for they hated German militarism far more than did the capitalists.

The Yiddish leaflet opened as did the English with a denunciation of American and allied intervention in Russia and a criticism of the hypocrisy contained in the military propaganda of the government. It enjoined the workers to be fooled no longer, to refuse to give their money and support to a war not only against Germany but against the proletariat of Russia. It reminded them that with any money they gave, bullets would be made to kill not only Germans but Russians. It appealed to the workers in munition factories telling them that they were producing the instruments of war to kill not only Germans but their

[4] "Freedom of Speech," p. 56.

"dearest and best," the Russians, fighting for their freedom. It then made a particular appeal to the immigrants from Russia and asked them if they were willing to be helpers in an effort to choke the "Workers Soviets." The reply to Russian intervention by the United States and the allies ought to be a general strike to show the government the temper of the workers—in Russia the open fight, in America the spirit of revolution. The leaflet then begged the workers to be unafraid, to brave the threats of punishment, to refuse to betray the fighter in Russia. It called them "up to fight."

Decision of the District Court. The writers of the leaflets denied all intent of attacking the war. Abrams stated that he had tried to enlist in the United States army. All of them declared that their purpose was to gain support for Russia in her hour of need. The First Amendment, protecting freedom of speech and written word, was invoked in their defense. However the court indicted them on four counts.

1. Uttering, printing, writing, or publishing disloyal or abusive language about the form of government of the United States.
2. Language intended to bring the form of government into contempt, scorn, contumely, or disrepute.
3. Language "intended to incite, provoke, or encourage resistance to the United States" in the war with Germany.
4. Willfully by speech, writing, printing or publication, urging, advocating, or inciting curtailment of producton of products necessary to the conduct of the war, with intent by such curtailment to hinder the United States in the prosecution of the war.

Though it was not claimed that the defendants had attacked the form of government, it was held that they had assailed the administration of the government which the court regarded as one and the same thing. They were therefore convicted on the first two counts. They were also held guilty of the last two counts because the Yiddish leaflet was construed as an attempt to encourage resistance against the United States in the war with Germany and to urge curtailment of production. Throughout the trial the judge failed to emphasize the act for which the defendants were really on trial, specific intent to hinder the war with Germany. He made it appear that their activities against the government's policy in Russia were in themselves reprehensible. He emphasized this aspect of the case so greatly that it has been stated that very probably "the defendants were convicted on an erroneous theory of guilt, simply because they protested against

the dispatch of armed forces to Russia."[5] The fact that the pamphlets had some basis of truth made no difference in the verdict. President Wilson did declare as one of his fourteen points that Russia must be left free to work out her own political destiny. He also telegraphed the Pan-Soviet Congress promising Russia complete independence in her own affairs. A few months after this time, American troops were sent to Vladivostok. Washington then officially announced that since military intervention would only add to the confusion in Russia, the United States would not interfere with the political sovereignty or internal affairs of that country. The American troops would be used for the purpose of helping the Czecho-Slovaks against the German and Austrian prisoners who were attacking them. The American forces would also be employed to guard military stores and aid the Russians in their own self-defense. Japanese troops were also to take part in this occupation and had given similar assurances.[6]

The leaflets written by the defendants were published a few days after this announcement. The Soviet government did not distinguish between the sending of troops to Russia and military intervention. It broke with the United States. This breach was followed by the publication in the United States of much alleged information concerning Bolshevist atrocities. The United States Committee on Public Information published documents supposed to show that the heads of the Soviet government were German agents. Much of this propaganda came out prior to the time of the Abrams trial and perhaps exerted its unconscious influence on the jury, making them connect pro-Germanism with Bolshevist propaganda.[7] The statement in the English leaflet proclaiming the hatred of the authors to German militarism failed to make any impression. Only one of the five conspirators was acquitted. The remaining four received heavy sentences. The men got the maximum penalty, twenty years; the woman received fifteen.

Decision of Supreme Court. The case was appealed to the Supreme Court. Seven judges concurred in the decision, two dissented. The majority opinion was based on the contention that the defendants had two intents, (1) to aid Russia, (2) to hinder the war with Germany that that purpose might be accomplished. This opinion was founded on the argument that a man who urged the curtailment of munitions and a general strike to accomplish

[5] "Freedom of Speech," pp. 137-139.
[6] *Ibid.*, pp. 130-132.
[7] *Ibid.*

this purpose, even though his action was not aimed directly at the war, must have realized that any limiting of necessary production and the chaos resulting from a general strike would necessarily hinder the war. "Men must be held to have intended, and to be accountable for the effects which their acts were likely to produce." [8]

The minority opinion, given by Justice Holmes and concurred in by Justice Brandeis, argued that the leaflets did not attack the form of government of the United States and that there was no support for the first two counts. The fourth count that the pamphlets urged curtailment of production of those things necessary to the pursuit of the war was also dismissed by Justice Holmes. The espionage act states that there must be "intent by such curtailment to cripple or hinder the United States in the prosecution of the war." If this statement is taken in its strict meaning, the consequence must be the aim of the act. A man may know that a certain result may follow his act, but "he does not do the act with intent to produce it unless the aim to produce it is the proximate motive of the specific act, although there may be some deeper motive behind." Justice Holmes believed that the main object of the leaflets was to stop American intervention in Russia, not to impede the United States in the war with Germany. So in his opinion the defendants were innocent under this count.

The third count charged an intent to provoke resistance to the United States in the war. Justice Holmes interpreted this clause to mean specific intent to incite some "forcible act of opposition to some proceeding of the United States in pursuance of the war." Thus, for the same reasons given in the fourth count, because no real intent existed and there was no actual resistance to the United States, the defendants were held innocent of this charge.

Justice Holmes ended his dissent by stating that the defendants had been given a sentence of twenty years for publishing two leaflets which in his opinion they had as much right to publish as had the government to publish the Constitution of the United States, so vainly invoked by the defendants for their protection. He went on to say that even were he technically wrong, only the most nominal punishment should be given the defendants unless they were to be made to suffer, not for the faults contained in the indictment, but for a creed which, however wrong, could not rightly be considered as a charge before the court.[9]

[8] Abrams *v.* United States, 250 U. S. 616-624.

[9] *Ibid.*, 624-631.

The Abrams case was based on the intangible intent in the mind of the person. Basing decisions on this elusive factor soon ends real discussion and stifles all criticism of the government and war. Few of the convictions under the espionage act were made because the offender had actually urged men to evade the draft or had tried to obstruct enlistment. Most of them were based on expressions of opinion concerning the war. "It became criminal to advocate heavier taxation instead of bond issues, to state that conscription was unconstitutional though the Supreme Court had not yet held it valid, to say that the sinking of merchant vessels was legal, to urge that a referendum should have preceded our declaration of war, to say that war was contrary to the teachings of Christ." In Minnesota an attempt to discourage women from knitting by the remark, "No soldier ever sees these socks," was held to be a crime under the state espionage act. Men were even punished for criticism of the Red Cross and Y.M.C.A. Rose Pastor Stokes was convicted and sentenced to ten years in prison for writing a letter containing the words, "I am for the people, and the government is for profiteers." The jury found this to be a false statement, known to be false and intended to interfere with our military and naval forces and to obstruct recruiting. In 1920 this decision was set aside by the circuit court of appeals, but it stood during the war as an example of the penalty which might be inflicted for discussion of profiteering.[10]

Schenck v. United States

Perhaps one of the most important decisions made by the Supreme Court was in the unanimous conviction of Schenck. Here the test of "clear and present danger," which stood as a guide for subsequent convictions, was established. Schenck was general secretary of the Socialist Party. He personally had charge of the printing and distribution of 15,000 leaflets which were to be mailed to men who had passed the exemption boards. Each leaflet contained a copy of the first section of the Thirteenth Amendment and stated that the conscription law violated this amendment. It intimated that conscription was despotism. It was a wrong against the people in the interest of Wall Street aristocrats. The leaflet appealed to the men to assert their rights and stated that any one who refused to recognize their right to oppose the draft was violating the Constitution. It stated that those men who did not take a stand were helping to

10 "Freedom of Speech," pp. 57-59.

"deny and disparage rights" which should be retained by all citizens. Arguments of the other side were described as coming from politicians and the capitalist press. Even silent consent to the conscription law was held to be support of an "infamous conspiracy." The right of the government to send citizens to foreign lands to kill others was denied, and it was asserted that such a practice should be condemned. The leaflet ended with an appeal to each man to do his share to "maintain, support, and uphold the rights of the people of this country." [11]

Schenck in his defense claimed that his action was protected by the First Amendment. Two of his strongest statements were quoted from well-known public men. Justice Holmes, in giving the unanimous decision against the defendants, stated that in many places and in ordinary times all that the circular contained might be printed with impunity and the defendant would be within his constitutional rights. But in making a judgment, the circumstances of the case had to be taken into consideration. The question was "whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." [12]

The evidence in this case showed that there was a clear intent to incite men to resist the draft. Justice Holmes drew the attention of the court to the fact that in time of peace many things might be said which in time of war would not be tolerated, for they would then constitute a real hindrance to the nation and therefore could not be regarded as protected by any constitutional right. Justice Holmes drew the danger line at the place where speech would cause overt acts of injury to the state. The decision was not based on bad intent but on the "clear and present danger" which the leaflets would have created if they had reached the drafted men.[13]

Censor of the Mails

It will be remembered that the Espionage Act of 1917 and 1918 gave wide powers of censorship to the Postmaster-General. Some instances will make clear how he exercised the control placed in his hands. *The Masses*, a paper published in New York City, was excluded from the second class mailing privileges. The paper

[11] Schenck *v.* United States, 249 U. S. 48-51.
[12] *Ibid.*, 51-52.
[13] *Ibid.*, 52.

asked Judge Hand to enjoin the Postmaster-General from taking this action. The injunction was granted, but the decree was later reversed by the circuit court of appeals. The *Milwaukee Leader* was likewise refused the second class mailing privilege. Both of these papers were suppressed because in the postmaster's opinion they contained seditious matter. The number of the *Masses* which caused its suppression had in it four cartoons entitled Liberty Bell, Conscription, Making the World Safe for Capitalism, Congress and Big Business, and a poem which likened Emma Goldman and Alexander Berkman, then in prison for conspiracy to resist the draft, to "elemental forces." It also contained three articles which expressed admiration for the "sacrifice" of the conscientious objectors and lauded Goldman and Berkman as "friends of American Freedom." [14]

These papers tried to be readmitted after once suppressed but were refused although the postmaster had no means of knowing that future issues might not be free of all objectionable matter. A paper can rarely afford to use any but the second class mail. This is a service especially designed for papers issued regularly. The postmaster, in refusing to allow these papers readmission to its privileges, based his action on the fact that since they had skipped numbers, they were not issued regularly and hence not eligible to the second class mail.[15]

The New York *Call* was another paper to come under the censorship. It was forbidden the use of the second class mail during most of the war. However, it continued publication, using the other classes of mail, reducing its size, and depending on its customers to aid it financially. It seems rather inconsistent that this paper should have been allowed to circulate through the other mails if it was debarred second class service. If seditious it should have been forbidden the mails entirely. When hostilities ceased, the *Call* in January, 1919, asked for its second class mailing privileges. Nine months elapsed after the request and no efforts on the part of the paper's staff could induce an answer from the Postmaster-General. The paper finally brought suit and at once received an answer denying the request. In March, 1920, the *Call's* case was tried and the court ordered the Postmaster-General to restore the paper's second class mailing privileges. The case was appealed, and the *Call* continued to be denied the second class mails while the case was pending. When a new ad-

[14] "Freedom of Speech," pp. 46-47.
[15] *Ibid.*, p. 107.

ministration took office in 1921, both the *Call* and the *Leader* were restored to their former privileges.[16]

The *Call*, the *Leader*, and the *Masses* were not the only papers to be suppressed. An issue of the *Public* was suppressed because it urged raising more money by taxes and less by loans. Lenin's Soviets at Work, an economic pamphlet, suffered a like fate. The *Freeman's Journal* and *Catholic Register* were censored for reprinting Jefferson's opinion that Ireland should be a republic. Other papers and writings received censorship for like offenses.[17]

Conclusion

There are many opinions as to just how far a government should prevent freedom of speech and of the press in time of war. Conditions of war demand a loyal country. When men are dying in the trenches, it scarcely behooves those at home to refuse them moral support. Discontent and distrust in the civilian population are reflected in conditions at the front, causing disaffection among the troops and defeat. Yet sometimes censorship is more perilous than freedom. In war time there must be a greater degree of censorship than in time of peace. But the greatest measure of freedom actually consistent with the national safety should be granted. Only in this way can the mind of the people be sounded, the danger elements detected and watched. Only in this way can the government remain to any degree compliant to the will of the people. Only in this way may minority opinion be expressed. A war which cannot be criticized or discussed may develop aims which the people, if informed, would not tolerate. Frank criticism helps to control the unscrupulous, to expose abuses, to censor the government as the government censors the people. That matters were carried to extremes during the World War was tacitly acknowledged by the commutation of long sentences. Abrams and his fellows had their sentences reduced from twenty to two and a half years. By the end of 1923, after much agitation, all the political offenders imprisoned by the federal government were released. Probably many of those apprehended were justly confined during the war as actually a hindrance to its success, but after the war was past there was little reason for keeping them imprisoned.

[16] Files of the New York *Call*, 1920-1921.

[17] "Freedom of Speech," pp. 107-108.

XXVI

CIVIL LIBERTIES IN TIME OF PEACE

Restriction of civil liberties did not end with the cessation of hostilities. A precedent created in war time was continued in time of peace by many of the states which passed their sedition acts either during or after the war. The aftermath of war was reflected in disturbed conditions in industry caused by the reëntry of the discharged soldiers into business, curtailment in production, unemployment, and a reduction of wages in advance of a parallel decline in the cost of living. This situation resulted in widespread disturbances between capital and labor and in the activities of radical groups. It made the people, already accustomed to an abridgement of civil liberty, acquiesce in its continuation.

Normal Criminal Law

The government is the people's protector against disorder and crime, but it is a disputed question whether the people need protection from ideas. They are guarded against overt acts or incitation to such acts by the normal criminal law. In time of peace this law has been sufficient to restrain criminal acts and obscene, libelous language whether the offender was an anarchist, bomb thrower, or common thief. Radical organizations existed for years in the United States, yet the people found that a spirit of tolerance toward those who merely expressed extreme or repugnant doctrines did not endanger the nation or its citizens. On the other hand all freedom of speech and written word was suppressed in Russia until the autocratic government which pursued this course was overthrown.

The law in existence before the passage of the state sedition acts seemed adequate, at least in time of peace. It allowed a wide margin of freedom for the sake of discussion, holding that truth would prevail over falsehood. It drew the danger line at a point just behind the commitment of overt acts and was willing to run a certain risk in allowing extremists to express their views in

the belief that suppression would in the end be more dangerous to the peace, security, and ideals of a democratic country.[1]

State Sedition Laws

The sedition acts passed by the states during or since the World War were an outgrowth of the war hysteria. They had as their precedents, the New York Anarchy Law and the act passed by Idaho, the first state to adopt such legislation during the period of the war with Germany. The New York Anarchy Law was passed in 1902 as a result of the assassination of President McKinley by an anarchist. Only one prosecution was brought under this act until the new interest in sedition aroused by the war resulted in several convictions.[2] Many of the new sedition laws made membership in a subversive organization a crime though the party manifesto was often so indefinite that determination as to its criminality depended largely on the meaning read into the words by each individual.[3] These laws made evil intent with a remote possibility of disorder punishable and sought to stifle radical views at variance with the present order.[4] Many of their provisions were so loose in phraseology as to be capable of a wide interpretation, which might encompass the innocent as well as the guilty.

Some Typical Provisions. A typical red flag law read: "Any person who displays a red flag, banner or badge or any flag, badge, banner or device of any color or form whatever in any public place or in any meeting place or public assembly, or from or in any house, building or window as a sign, symbol or emblem of opposition to organized government or as an invitation or stimulus to anarchist action or as an aid to propaganda that is of a seditious character is guilty of a felony." Some states defined the penalty for such an offense which ranged from six months to several years in jail and fines of $1,000 or over.

Criminal anarchy was defined in these laws as the doctrine "that organized government should be overthrown by force or violence, or by assassination of the executive head or any of the executive officials of government, or by any unlawful means."

Criminal syndicalism was described as "the doctrine which advocates crime, physical violence, arson, destruction of property

1 Chafee, Z. Jr., "Freedom of Speech," pp. 169-180.
2 *Ibid.*, p. 188.
3 *Ibid.*, p. 174.
4 *Ibid.*, p. 180.

or sabotage as a means of accomplishing or affecting industrial or political ends or for profit." Advocating criminal anarchy or syndicalism, insurrection or sedition by speech or writing, joining a society advocating it, were felonies and severely punished. The punishment ranged according to the state from one to ten years in prison.

Some of the typically loose provisions of these laws were as follows: "No person shall, in public, or before any assemblage of ten or more persons, advocate in any language any measure, doctrine, proposal, or propaganda intended to injuriously affect the Government of the United States or the State of Connecticut." The Kentucky law penalized membership in associations advocating sedition or criminal syndicalism by twenty-one years in prison and forbade the advocacy of such doctrines by speech, written, or printed word. It prescribed the death penalty for persons who in violating the act caused the death of another.[5] Montana punished the non-military crimes enumerated in the federal Espionage Amendment of 1918 as well as "any language calculated to incite or inflame resistance to any duly constituted state authority."[6] West Virginia made it unlawful for any person to advocate "any teachings, doctrines or counsels in sympathy or favor of ideals, institutions or forms of government hostile, inimical or antagonistic to those now or hereafter existing under the constitution and laws of this state or the United States." Louisiana made it a crime for a person or organization in any way whatever "to incite or abet, promote or encourage hostility or opposition to the Government of the United States or of the State of Louisiana."

How far a court might go in abridging civil liberty under such clauses is obvious. It is difficult to determine what "language" is calculated to injuriously affect the state or federal government (Connecticut) or what "language" will cause resistance to a "duly constituted state authority" (Montana). Such clauses might be interpreted to encompass any criticism of the government. Under the West Virginia statute, no man could adversely criticise the existing form of government or any future form of government. How the present government could be changed if no criticism or adverse comment was tolerated was not explained. How could the present generation forbid any attack on the political "ideals" which might exist "hereafter." Such ideals might incorporate the very doctrines to-day so strongly condemned.

[5] Modified in 1922.

[6] The part of this law dealing with criminal syndicalism was held unconstitutional by the state supreme court in 1921.

Cases

New Mexico v. Diamond—Constitutionality of State Law. Some of the state laws have been held unconstitutional, abridging the civil liberties insured under the state constitutions. A law passed by New Mexico was so construed by the supreme court of that state in 1921. The statute in question forbade the commitment or incitation to commitment of any act having for its purpose the destruction of organized government, antagonism to organized government, or revolution. It also prohibited advocating or teaching the performance of any of the enumerated offenses.

The court in deciding this case held that:

"A fair, general view of the whole statute leads to the conclusion that it was designed to close the mouths and tie the hands of people who were dissatisfied with the government as at present constituted and who advocated by any means, peaceful or otherwise, change in the form of government, or the abandonment of organized government entirely. This act was passed after the armistice and before the conclusion of peace with Germany. . . . But the act is not a war measure, and none of the considerations which apply to conduct which constitutes a proximate and imminent danger to the government in time of war, or danger to the success of its arms against the public enemy, apply here."

For these reasons and because of want of certainty in its provisions, the statute was declared unconstitutional.[7]

Gilbert v. Minnesota—Free Speech. How far certain of these acts abridge civil liberty is expressed in the dissenting opinion of Justice Brandeis in the case of Gilbert *v.* Minnesota appealed to the United States Supreme Court. While Gilbert made his speech in time of war, the law under which he was convicted was operative in time of peace and strictly limited a citizen's right to criticize the military functions of the government.

The defendant was convicted under the Minnesota sedition law for a speech he made at a Non-Partisan League mass meeting. In this speech he said:

"We are going over to Europe to make the world safe for democracy, but I tell you we had better make America safe for democracy first. You say, what is the matter with our democracy. I tell you what is the matter with it: Have you had anything to say as to who should be president? Have you had anything to say as to who should be

[7] American Civil Liberties Union, Bulletin No. 11, May 2, 1922. State *v.* Diamond, 202 Pacific *Reporter*, N. M., 988-993.

Governor of this state? Have you had anything to say as to whether we should go into this war? You know you have not. If this is such a great democracy, for Heaven's sake, why should we not vote on conscription of men. We were stampeded into this war by newspaper rot to pull England's chestnuts out of the fire for her. I tell you if they conscripted wealth like they have conscripted men, this war would not last over forty-eight hours."

For saying this, Gilbert was convicted, fined $500, and sentenced to one year in jail. On appeal to the United States Supreme Court on the ground that the subject matter contained in the statute belonged properly to Congress and not to the states, the Supreme Court concurred in the statement of the state court that the state is not inhibited from making "national purposes its own purposes to the extent of exerting its police power to prevent its own citizens from obstructing the accomplishment of such purposes."

In regard to the contention that the statute violated the right of free speech, the Supreme Court held that freedom of speech was not absolute but was subject to restriction. The words of the plaintiff were a "direct assault upon the statute of Minnesota, and a direct assertion in spite of the prohibition of the statute that one can by speech, teach or advocate that citizens of the State should not aid or assist 'the United States in prosecuting or carrying on war with the public enemies of the United States,' and be protected by the Constitution of the United States."

Justice Brandeis in a dissenting opinion said in part:

"The Minnesota statute was enacted during the World War; but it is not a war measure. The statute is said to have been enacted by the State under its police power to preserve the peace;—but it is in fact an act to prevent teaching that the abolition of war is possible. Unlike the Federal Espionage Act of June 15, 1917, . . . it applies equally whether the United States is at peace or at war. It abridges freedom of speech and of the press, not in a particular emergency, in order to avert a clear and present danger, but under all circumstances. The restriction imposed relates to the teaching of the doctrine of pacifism and the legislature in effect proscribes it for all time. . . .

"That such a law is inconsistent with the conceptions of liberty hitherto prevailing seems clear. . . . It affects rights, privileges and immunities of one who is a citizen of the United States; and it deprives him of an important part of his liberty. These are rights which are guaranteed protection by the Federal Constitution; and they are invaded by the statute in question. . . .

"The right of a citizen of the United States to take part, for his

own or the country's benefit, in the making of Federal laws and in the conduct of the Government, necessarily includes the right . . . to endeavor to make his own opinion concerning laws existing or contemplated prevail; and, to this end, to teach the truth as he sees it. Were this not so 'the right of the people to assemble for the purpose of petitioning Congress for a redress of grievances, or for anything else connected with the powers or duties of the national government' would be a right totally without substance." [8]

Connecticut v. Sinchuk—Aliens and Free Speech. The supreme court of errors of Connecticut has held that the Connecticut state bill of rights which protects an individual's right of free speech, assemblage, and right to change the government applies only to citizens. Aliens cannot avail themselves of its terms. This decision was rendered in 1921 in the case of the State *v.* Sinchuk. Two aliens were accused of violation of the state sedition law forbidding the publication of "disloyal, scurrilous or abusive matter concerning the form of government of the United States, its military forces, flag or uniform; or any matter which is intended to bring them into contempt; or which creates or fosters opposition to organized government."

While certain provisions of the Connecticut bill of rights by their terms pertain only to citizens, the provision applying to free speech ends, "No law shall ever be passed to curtail or restrict the liberty of speech or of the press." Yet the majority of the court held that this provision extended no protection to aliens.[9]

People v. Steelik—Membership in a Subversive Organization. In the case of People *v.* Steelik the supreme court of California in 1921 sustained the conviction of Steelik for knowing membership in a subversive organization. The organization in question was the Industrial Workers of the World. The evidence submitted consisted of publications of the union and the testimony of two of its alleged members regarding "criminal acts committed by members of that organization before the defendant joined the organization and before the passage of the criminal syndicalism act." This evidence was held by the supreme court to be sufficient to sustain the finding of the lower court that the I. W. W. was an organization of forbidden character and that Steelik, in becoming a member of such an organization, violated the law. Evidence was introduced to show that Steelik personally advocated the doctrines preached by the I. W. W., but the court stated that such

[8] Gilbert *v.* Minnesota, 254 U. S., 325-343.
[9] State *v.* Sinchuk et al., 115 Atlantic *Reporter*, 33-40.

evidence was all related "to the charge of understanding membership in the I. W. W." His appeal on the ground that the statute in question violated the right of free speech was likewise discountenanced. The court claimed that this right permitted free publication but did not protect the publisher of illegal matter from punishment.[10] It could not be invoked by the defendant because he "was not charged with or convicted of a violation of the criminal syndicalism act involving anything that he said or published" but because of "knowing membership in an organization which in its nature was a criminal conspiracy to change industrial control and government by unlawful and criminal methods." Evidently the charges against him of personal advocacy and preaching of subversive doctrines were not proved, and he was convicted solely on the charge of membership in an unlawful association whose doctrines he comprehended.[11]

Involved in this case is the problem of how far a man can be held responsible for the doctrines of any organization of which he may be a member, provided he does not act or induce others to act on these doctrines. This question arises under any of the new sedition acts which hold membership in a revolutionary party to be criminal. It seems a difficult provision justly to enforce, for often a man joins an order, party, or sect without advocating all of its doctrines. Members of any political party do not always believe in the entire platform of their party. Members of any religious creed do not always subscribe to all its beliefs. Should they be held responsible for principles which personally they do not indorse simply because of their membership? A person's belief is intangible at best. A safer test of guilt, more in accord with democratic ideals, is the commitment of overt acts or the "clear and present danger" that such acts will be committed.

Lusk Laws

Curtailment of civil liberty did not end with the peace-time sedition acts. It was reflected in the stricter supervision of schools, teachers, and matter taught in schools. It showed itself in laws such as the Lusk laws passed in New York in 1921. The law governing teachers required all teachers to obtain a certificate of qualification from the commissioner of education. Such certificate would not be given to any person who "while a citizen of the United States . . . advocated, either by word of mouth or

[10] Blackstone theory.

[11] People *v.* Steelik, 203 Pacific *Reporter*, 78-85.

in writing, a form of government other than the government of the United States or of this State," or who advocated or had advocated, "either by word of mouth or in writing, a change in the form of government of the United States or of this State, by force, violence or any unlawful means." The provision regulating private schools provided that such institutions must be licensed by the regents of the state university and must declare their purpose. They must offer satisfactory credentials, and no license should be issued to any school whose curriculum included the teaching of the doctrine that organized government should be overthrown by force, violence, or unlawful means. This law was aimed particularly at the socialist and labor schools which were accused of radicalism.

The law applying particularly to teachers was vague and sweeping in phraseology. Like the sedition laws, its chief danger lay in the possibility of a wide interpretation. The clause forbidding the advocacy of any form of government other than that of the United States under a strict interpretation would require the dismissal of any teacher who praised the government of Great Britain and advocated that type of government rather than that of the United States. The law would seriously hamper a teacher's freedom of speech and would make him question just what material he could safely teach. How far could he go in expounding the ideas of such revolutionaries as Marx, Proudhon, and Bakunin? Where would he reach his limit in discussing the Russian Revolution or our own American Revolution and the Declaration of Independence which assures to the people their right to alter or abolish the government and institute a new one in its place when in their eyes it ceases to fulfill its mission? The law was so comprehensive that even outside the classroom the teacher was not free to express his ideas of government should they in any way deviate from strict approval of the form of government of the United States. If at any time in the past, while a citizen of the United States, he had advocated any other government than that of the United States or the state of New York, even if he had changed his views, he would not be eligible as a teacher and might be removed from his profession.

The ostensible purpose of these laws, to protect the young and promote loyal citizenship, was admirable. But their tendency to stifle free speech, to pass schools and teachers through the same mold, to prevent constructive thinking in the very class in which it is most necessary, caused them to be denounced and finally repealed in 1923.

Further Restrictions

The reactionary spirit, a product of the great war, was further demonstrated in the stricter limitations placed on the use of public buildings as forums for public discussion of modern problems. It was reflected in the attitude of many of the colleges toward persons known to possess unorthodox ideas. Such persons were in many instances refused the right to speak at educational institutions. One college president, having closed a meeting in which Scott Nearing was addressing a group of students, said:

"I closed the meeting because I was unwilling to have the university in any way, directly or indirectly, actually or apparently, responsible for our students' listening any longer to the sentiments which were being expressed by the speaker. The point at issue is not alone one of my disapproval of his malignment of the moral integrity of the American people. I take the position that not only the sentiments he was expressing, but the unscientific method of presentation and the intemperate manner in which he was conducting that address made it inappropriate for a university hall. Even if his beliefs and theories are right, and those of all others who differ from him are wrong, I know that, with a conscience and a sense of responsibility such as I happen to have, I should have closed the meeting. I do not regret that I have shown in a positive way that I disapprove of such influences within the halls of a university." [12]

A questionnaire was sent out by the American Civil Liberties Union to the police chiefs of two hundred cities in the United States. Among other things the question was asked as to the amount of police surveillance of radical meetings. Fifty-four of the fifty-six cities which replied to this question indicated that such gatherings were watched. Two questions were asked to determine under what circumstances the police would actually interfere with the conduct of the meetings. Would they stop a speech they considered dangerous, or would they wait until some overt act was committed? Of the sixty-eight chiefs who answered this question, thirty-four answered yes to both questions, though obviously if the police were instructed to wait until an act violating the law occurred, they could not interfere before anything was actually done and only words were being uttered. Of those chiefs who understood the point of this query, eighteen stated that their subordinates were instructed to intervene if they believed anything dangerous was being said. Sixteen replied that

12. *The New Republic*, April 5, 1922.

no action would be taken to stop the meeting without the commitment of some unlawful act.

Space was reserved on the questionnaire for remarks. Some of these remarks were illuminating as to the attitude of the police toward radicals. The chief at Oswego, New York, said: "Oswego is a small city and we are not bothered with radicals. We also have a military post which would help." Some chiefs stated that radical meetings were not "allowed," were "forbidden by ordinance." The mayor of Portland, Oregon, said: "Street permits are refused the I. W. W. and no radical street meetings have been held for about eighteen months." The police commissioner of Montgomery, Alabama, replied, "so long as any citizen, in speaking his sentiments, conducts himself in an orderly manner . . . does not make a nuisance out of himself, does not violate the Espionage Act when the United States is at war, he would be protected in the exercise of his constitutional right of free speech. Of course we would not permit any speeches advocating the overthrow of the United States Government, or preaching anarchy or sedition." The chief of police at Charleston, South Carolina, said, "We always adhere strictly to the policy in this community of not interfering with the constitutional rights of any individual of free speech, etc. The department thinks it far better, although we may disagree with their propaganda, to give them the right of public expression. For if what they advocate be good, it will be commended by the public. Otherwise they will condemn themselves by their own expressions." The commissioner of police of Haverhill, Massachusetts replied, "We regard the duties of the police, as the preservation of law and order, not the suppression of ideas."

Abridgment of Civil Liberty During Strikes

During industrial conflicts, civil liberties are quite generally abridged. This is done partly to forestall possible mob violence and to protect the public, but it means a denial of freedom to the workers and an added weapon in the hands of employers. In the great steel strike of 1919 such an abridgment took place. "Men were arrested without warrants, imprisoned without charges, their homes invaded without legal process, magistrates' verdicts were rendered frankly on the basis of whether the striker would go back to work or not." [13] The right of the workers to

[13] Commission of Inquiry, Interchurch World Movement, "Report on the Steel Strike," 1919, p. 238.

assemble was denied in many cases. Workers in and about Pittsburgh, the heart of the steel industry, were unable to hire halls or lots in which to gather. If they did succeed in securing a meeting place they were refused permission to speak by the city and town authorities. Yet investigators for the Interchurch World Movement found that this action was not based on the unruly conduct of the strikers but was rather the result of the influence brought to bear on public officials by certain powerful interests.[14]

In the railroad strike of 1922 a sweeping federal injunction against the striking shopmen was issued. This injunction forbade the strikers among other things from doing, saying, or writing anything to cause railway employees to leave their work or to keep any one from entering the employ of the railroad. They were enjoined from engaging in picketing, from interfering with employees going to and from work either by threats or by entreaties. Despite widespread public disapproval, the injunction was continued with some slight modifications after the majority of strikers had returned to work and the main reason for its issuance was ended.

Conclusion

Persons supporting the suppression of subversive doctrines, whether spoken, written, or merely expressed by membership in some organization are motivated by the belief that only in this way can the existing order of civilization and the existing government be protected. They maintain that radical groups are dangerous to the welfare of the United States and the majority of its citizens. The views held by such groups must be repressed and the individuals holding them punished. The example furnished will deter other dissatisfied persons from joining radical parties and will free the United States of individuals expressing objectionable theories. People desirous of limiting freedom of speech, press, and assemblage do not believe that free expression of opinion, especially revolutionary opinion, can be contravened by argument even in time of peace. Many of them claim that any advocacy of a change in government except by constitutional means should be declared unlawful.

On the other hand those persons believing in freedom of speech and written word point to the difficulty of justly administering laws abridging these rights. Any conviction made on supposed

[14] "Report on the Steel Strike," 1919, pp. 235-238.

intention, on party affiliation, or on intangible beliefs is open to injustice. Even were it possible to determine the motives actuating the individual, supporters of liberty believe free speech and press to be essential to any democratic people. They feel that this ideal should be supported if necessary at the cost of discomfort. They do not pride themselves on being infallible judges of right and wrong. They are willing to listen to both the radical and the reactionary, to balance the arguments in an effort to ascertain the truth. They believe there is usually a cause for the opinions of any group of persons. Subversive parties have some reason for existence. It is wise to discover the source of dissatisfaction and remove it by peaceful reform. It is unwise merely to repress it, turning it to secret channels where it finds expression in exhortations to violence and mass action.

Subversive utterances can have small influence in a democracy whose citizens have faith in the value and integrity of its institutions and in the manner in which they are administered. Under these circumstances, subversive doctrines fall on the sterile ground of loyal and enthusiastic citizenship and perish before they have an opportunity to take root and spread. But should the seeds of discontent find fertile soil, they flourish. If rooted out, they return. Only the discovery and removal of their cause can solve the question and secure the happiness and well-being of the people. Free speech gives a government the opportunity to become familiar with what its citizens are thinking. If some of those thoughts are severely critical and even disloyal, yet are held by only a small faction of the people and arise from no just reason, the government need have no fear. Should they emanate from a real cause, should they fall in the midst of graft and corruption, should they take root in the presence of poverty and want, which are seemingly the result of unjust inequalities, then they are dangerous. No amount of suppression will remove that danger. Elimination of the source of agitation by reform and education will do more to prevent the spread of radicalism than punishment. A government which fears adverse criticism and trembles before a verbal threat of violence is open to the accusation of a guilty conscience, gives pretext to its accusators, and substantiates their contentions. "In frank expression of conflicting opinions lies the greatest promise of wisdom in government action; and in suppression lies ordinarily the greatest peril." [15]

[15] Justice Brandeis, dissenting opinion in Gilbert *v.* Minnesota, 254 U. S., 338.

XXVII

DEPORTATIONS OF RADICAL ALIENS AND EXPULSION OF THE SOCIALISTS FROM THE NEW YORK ASSEMBLY

Two of the most important events affecting civil liberty and occurring in time of peace were the raids of the Department of Justice against the radical aliens and the expulsion of the socialists from the New York Assembly. The first of these was wide in its scope and affected hundreds of aliens in the eastern and middle western states. The second was a state affair denying the right of state representation to sixty thousand citizens.

The Deportations

Statute Under Which the Aliens Were Arrested. The federal statute under which the aliens were arrested was enacted in 1918 toward the close of the World War. In addition to the provisions already made for excluding radical aliens under the immigration laws, several new clauses were added. The aliens proscribed were:

"Aliens who are anarchists; aliens who believe in or advocate the overthrow by force or violence of the Government of the United States or of all forms of law; aliens who disbelieve in or are opposed to all organized government; aliens who advocate or teach the assassination of public officials; aliens who advocate or teach the unlawful destruction of property; aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States or of all forms of law, or that entertains or teaches disbelief in or opposition to all organized government, or that advocates the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or that advocates or teaches the unlawful destruction of property."

Not only were aliens coming under the above provisions barred entry to the United States, but any alien already in this country

who disobeyed them was deportable. It made no difference whether he came here prior to their enactment or how long he had been in the United States. The enforcement of the law was placed in the hands of the Department of Labor working through the immigration authorities.

Protest Against the Raids. The special provisions under which the raids of 1919 and 1920 were carried out made membership in or affiliation with a subversive organization a ground for deportation. In November, 1919, raids were made against the Federation of the Union of Russian Workers which later resulted in the deportation of some two hundred and forty-nine Russians on the steamer *Buford.* But the extensive raids which aroused the greatest amount of criticism occurred in January, 1920, and caused twelve well-known lawyers to file a brief with the Senate charging the Department of Justice with proceeding against the aliens captured in these raids without "due process of law" as provided by the Constitution. According to the other charges contained in the brief, arrests had been made and property seized without a warrant, persons arrested had been treated in a cruel and abusive manner, excessive bail had been demanded, persons had been unlawfully compelled to testify against themselves, and public money had been unlawfully expended for propaganda purposes. Evidence was submitted to substantiate these charges. The brief was signed by such men as Dean Roscoe Pound, Professors Felix Frankfurter, and Zechariah Chafee, Jr., all of the Harvard Law School; Dean Tyrell Williams of Washington University Law School; Judge Alfred S. Niles, Baltimore; Jackson H. Ralston, Washington; Frank P. Walsh, New York City; Francis Fisher Kane, former United States District Attorney. Mr. Kane had resigned his office because he could not conscientiously support the course pursued by the Department of Justice. Partly as a result of this brief and partly because of public sentiment, the Senate Judiciary Committee appointed a sub-committee to investigate the charges. Their findings are contained in several leaflets and form the basis of this chapter.

Unauthorized Action of Department of Justice. While the enforcement of the immigration laws and all deportation proceedings had been entrusted to the Department of Labor, the Department of Justice, which had no authority to act, had been chiefly instrumental in carrying on the raids. Congress had a definite purpose in delegating immigration proceedings to the Department of Labor rather than to the Department of Justice. Such proceedings, of a purely administrative nature, should be placed in the

hands of a body functioning along these lines. They should not be handled by a department entrusted with the prosecution of criminals. While several reasons were offered for the action of the Department of Justice, the fact remained that it was without authority to act.

Conduct of Raids. The raids were carefully planned. To gain inside information, undercover agents of the Department of Justice had previously joined the Communist Party and Communist Labor Party which were particularly the proscribed parties. They arranged to have meetings held on an appointed night. Such meetings were planned simultaneously in several of the big cities to preclude any danger of forewarning and failure. The instructions issued by the Department of Justice to its agents forbade the use of force and the confiscation of personal belongings. In some instances these instructions were apparently disobeyed. Affidavits were submitted to the Senate investigating committee charging the officers making the arrests with abusive treatment and condemning the quarters in which the prisoners were placed. Many of these affidavits were answered by the Attorney-General and his agents and the charges denied. It could hardly be expected that agents who disobeyed their instructions and treated their prisoners unfairly, either at the time of arrest or during their imprisonment, would admit their wrong, particularly when the only proof against them was often the unsupported word of an alien. On the other hand, the persons arrested especially those unjustly imprisoned and later freed, would be apt to exaggerate. They would regard practically any aggressive action against them as a violation of justice. In deciding the truth of the accusations and denials, these factors have to be considered. Yet when the affidavits of several different prisoners tell the same story of the conduct of a certain raid or describe the same bad conditions and ill-treatment during confinement, as do some of the exhibits, considerable weight must be given to the evidence.

The raids occurred on the evening of January second. Practically every person attending the meetings of the proscribed parties was arrested and detained for examination. Many blunders were made in the conduct of the raids. For instance, a reliable witness testified before the Senate committee that in Detroit every one in the House of Masses, a radical meeting place, was arrested. This wholesale arrest included persons eating in the restaurant, students in classes conducted by the society, persons attending a ball in the building, and the corps of musicians

hired to furnish the music, men commonly employed about town to play for dances.

Treatment of Citizens. This case was not an exception. On the night of the raids innocent persons, citizens and aliens alike, were arrested simply because they were present at a suspected meeting. The following testimony, given by a Detroit gentleman serving on a committee appointed to review the cases of those apprehended, bears out this statement.

Adolph Myer, a citizen, attended a supposedly legitimate lecture on the night of the raids and was arrested together with all other persons in the hall. His wife was very worried when he did not come home. Finally she learned of the raid and instituted a search for him. He was subsequently located about daylight in one of the jails. His wife was permitted to talk with him through the bars, and in the morning he was released. The hall in which the raid took place was a public building where a public address was being given. The government agents assumed it to be a meeting place of the Communist Labor Party and raided it for the purpose of apprehending members of that party. Mr. Myer was a skilled mechanic, an educated man, and a citizen. Naturally he was angry at the treatment he had received. He asked what remedy he could expect from the government and was told that nothing could be done. It was all a mistake and had better be forgotten.

Another case was that of Peter Frank of Swampscott, Massachusetts. He was arrested, charged with being an alien and belonging to a subversive organization. Frank claimed in his petition for habeas corpus, which was later verified by the evidence, that he was a native-born citizen. One night officers broke into his home at one o'clock in the morning, put him under arrest, searched his dwelling, seized his papers, imprisoned him, refused him counsel, would not permit his friends to visit him, etc. His claim to citizenship was denied and he was told that he must prove his citizenship. The only evidence produced against him was a questionnaire answered by Frank in the following manner:

1. Born in Cincinnati.
2. Not a member of the Communist or Socialist Party or of any organization except the Shoe Workers' Union.
3. At the bottom of the paper was the following statement: "I, the under-signed, not a citizen of the United States, on oath depose," etc. This was signed by Frank, who had carelessly overlooked the word "not."

On such evidence as this, a United States citizen was taken from his home, searched, confined in jail for five days and finally released.[1]

Such blunders as to citizenship frequently occurred during the raids and the citizens had no redress. They were compelled to bear the burden of proof. The orders issued in Boston by agents of the Department of Justice called for documentary evidence of citizenship. If native born, birth records were demanded; if naturalized, naturalization papers. This order was not localized. To furnish these necessary records was not an easy task. A naturalized citizen could probably produce his naturalization papers without undue delay, but for a native-born citizen it would be more difficult. A considerable period of time might elapse before he could secure the necessary data. In such event, if he could not furnish bail, he might be confined in jail as was Frank. If the necessary records were destroyed or if he came from a state which only recently kept such records, he might be deported on the word of one man without recourse to the courts. This would be true under the ruling of the Departments of Justice and Labor which held that as the decision of the Secretary of Labor was made final under the deportation act, he alone could decide whether a man was a citizen or not if proof was not forthcoming.

Unreasonable Search and Seizure. During the raids, the immunity against unreasonable searches and seizures insured by the Constitution was consistently violated. In fact the instructions issued by the Department of Justice to subordinates expressly ordered that all meeting places and homes of the accused should be thoroughly searched but that search warrants should be obtained only where absolutely necessary. Even if there were no provision in the Constitution protecting individuals from this official invasion, the deportation law itself was purely statutory and contained no authorization for search and seizure of private property.

Character of the Men. Constantine M. Panunzio, a Protestant minister, made a cross section study of 200 cases of the men and women imprisoned. His findings were published by the Federation of the Churches of Christ in America. They show the type of persons arrested and tell something of their cases. The war records were omitted in many instances, but out of the group of alleged radicals opposed to the government and institutions of the United States thirty-seven were recorded as purchasing liberty bonds, twenty-four as buying liberty stamps or contributing

[1] Chafee, Z. Jr., "Freedom of Speech," pp. 253-254.

to some patriotic fund, while several had served in the United States army. One man had been seventeen months in France and was discharged for disability, and one had served twelve months at the front. Three men were recorded as having waived their right to exemption from the draft although later they were rejected because of physical reasons. Most of the men whose records were available were unskilled or skilled laborers. Many had savings. Some had monetary interests in small business enterprises. On the whole they were representative of the average immigrant population of the United States.

Treatment After Arrest. The 10,000 or more persons arrested on the night of the raids prevented prompt examination, filled the jails to overflowing, and compelled the use of other places of detention. In some instances the men were herded together like animals, and, without proper facilities for caring for them, sanitary conditions were appalling. This was especially true in Detroit and on Deer Island in Boston harbor. Conditions were so bad in the former place that they gave rise to a popular protest and demand that the prisoners be removed from their crowded quarters as their presence constituted a menace to the health of the city. Many of the accused were citizens and were later released, others were detained for only a short interval, and about 3,000 were actually imprisoned. The bail demanded ranged from $500 to as high as $10,000. The average amount was about $1,000. Considering the financial condition of the prisoners, the amounts asked were practically prohibitory. As a result many of the accused were held for an indeterminate period in jail, and their dependent families, with no other means of support, were reduced to want. Yet the Constitution expressly declares that "excessive bail shall not be required nor excessive fines imposed." The fact that these men could not secure their freedom on bail was particularly unfortunate considering the large numbers who were later released because the charges against them could not be proved.

Frequently the statement on which the warrant for arrest was issued was made by an agent of the Department of Justice. There was nothing to prevent this agent from also serving the warrant, making the arrest, securing the incriminating evidence, being present at the examination, and even acting as interpreter for the accused. The entire procedure might or might not be performed by the same agent, but at any rate it was all carried on mainly under the auspices of the Department of Justice rather than the Department of Labor. In discussing the examination of

the accused, Mr. Panunzio said regarding 124 cases studied that in 17 the interpreter was himself an agent of the Department of Justice, in 8 the government had no evidence at the trial, in 60 evidence consisted of mimeographed selections from the party manifestoes, in 14 only a mimeographed form affidavit was offered, and in others a statement obtained from the alien by threat which might or might not bear his signature or that of the examining officer. In thirty-six of the cases membership cards were submitted. Ten of these showed membership in the Socialist Party which was not a proscribed party. Few of the cards bore any mark which would identify them as belonging to the accused. According to Mr. Panunzio's investigation, many of the prisoners were held incommunicado for several weeks, receiving neither papers, letters, or visits from their friends. Fourteen men, held in the county jail at Hartford, Connecticut, were not even given a first hearing for three weeks and during that period could not be interviewed and were not allowed to communicate with the outside world. Among the typical cases described in the Panunzio report were the following:

Andrew Chuprina was a Russian by birth. He came to the United States from Canada and was employed by the Western Electric Company. He was married and the father of three children. He had savings amounting to several hundred dollars. During the war he had registered in the draft, purchased liberty bonds, and for ten months had contributed one dollar a month to the support of the American Red Cross. He was arrested in Detroit because the name "Chuprina" was listed in the membership book of the Union of Russian Workers. When he pointed out that only the last name was printed in the book and that there were other persons of that name in Detroit, the examining inspector changed the charge against him and attempted to show that at the time of his entry to the United States he was likely to become a public charge. On examination it was shown that Chuprina had $100 when he came to the United States and had been regularly admitted. Yet he was detained in jail from December 17, 1919, until after June 1, 1920, because he could not raise bail for $10,000. Later he was freed because there was no evidence sufficient to hold him, and he voluntarily left the country.

Wasil Lalajo was arrested November 7, 1919. He could not furnish the $1,000 bail demanded and so was imprisoned. Two days later he was given a hearing, and the government inspector made the following statement: "Two of the special agents who have investigated Lalajo's case strongly recommend that the war-

rant be cancelled. In fact, they wanted me to release this alien last night, but owing to the fact that the warrant calls for a bond I did not feel like doing it without authority from the Department. I recommend that the work in this case be cancelled and that the Department notify the Inspector-in-Charge at Cleveland by telegraph that this alien can return to work and to support his family." These findings were dated November 9, 1919. On April 8, 1920, five months later, Lalajo was still in jail. His wife and children were reported destitute and suffering. After 162 days of confinement, he was released and all warrant proceedings against him were canceled.

Sam Kot was arrested January 15, 1920. A warrant for his arrest was issued two days later on the seventeenth. One thousand dollars bail, which he could not furnish, was demanded. The evidence and testimony at the hearing were such as to induce the government to order his warrant canceled. He was finally released, April 15, after having been ninety days in jail.

Ignatz Maritzka was arrested January 3, 1920. He could not give the $1,000 bond required and so was detained. He was finally freed after eighty-eight days because the evidence was insufficient to hold him.

What redress did these men have for their long imprisonment? Were they reimbursed for their lost wages and working time? Were their families supported while they were held in jail for unproved charges? Was anything done to recompense them for their sufferings? Will these men make good future citizens? What will they tell their friends and relatives in Europe about democracy in America? Is this the way to abolish or to increase dissatisfaction with and demonstrations against the government?

Perhaps the outstanding fact which was pointed out by the twelve lawyers and which the evidence seemed to substantiate was the illegal conduct of legal public officials. If the Department of Justice forgets its title and subordinates justice to convenience what can it expect of citizens unversed in the way of law and what, indeed, of aliens without many of the rights or obligations of citizenship to control their actions?

The Expulsion of the Socialists from the New York Assembly

On the opening day of the New York legislature in January, 1920, the five socialist members were deprived of their seats in the assembly. The socialists had taken their oath of office, swearing

to support the Constitution of the United States and of the state of New York and to discharge their official duties to the best of their ability. They also declared that they had procured votes by neither bribe nor promise. All of them with the exception of one man had previously served in the assembly. The party which they represented was a legally recognized party. Presumably its members had as much right to election as did the members of the Republican or Democratic Parties. After the business of the opening day was practically over the five socialists without warning before the crowd of spectators assembled to view the official opening were presented in front of the bar of the house by the sergeant-at-arms. The speaker explained this action by accusing the socialists of attempting to take seats in the assembly when they had been elected on a platform "inimical to the best interests of the State of New York and of the United States." He declared the party which they represented to be an unpatriotic, subversive organization and not a genuine political party. A resolution containing a list of accusations against the party, against the socialist assemblymen as members of the party, and depriving them of their seats in the assembly pending an investigation as to their qualifications and eligibility was read and passed. Without trial and without proof of the authenticity of the charges made, the socialists were expelled to the disfranchisement of sixty thousand voters in New York City.

Despite the reactionary spirit of the time, there were not wanting men ready to defend the traditional Anglo-Saxon liberties of the people. Charles Evans Hughes, leader of the American bar, a man prominent in the public eye as former governor of New York, former Justice of the Supreme Court, republican candidate for President in 1916, and later Secretary of State, wrote the speaker of the house expressing his disapproval of the assembly's action. A majority, he said, which deprived the minority of representation did so in direct denial of the fundamental principles of the United States government. He further wrote, "But I count it a most serious mistake to proceed, not against individuals charged with violation of law, but against masses of our citizens combined for political action, by denying them the only resource of peaceful government, that is, action by the ballot box and through duly elected representatives in legislative bodies."

Mr. Hughes was not alone in his protest. Criticism of the assembly's action was heard from liberal and conservative groups alike. The bar association of New York City appointed a committee with Mr. Hughes as its chairman to appear before the

judiciary committee of the assembly investigating the socialists' case and protect the principle of representative government. The association's representatives were refused permission to participate in the proceedings, but they filed a brief and certain recommendations. They requested the judiciary committee to return a report to the assembly clearing the five unseated assemblymen of any constitutional disqualification for office, or any misconduct, or violation of law, as no such charges had been properly made. They advised that the suspended members be restored at once to the privileges of their seats. If any charges were to be presented against them, they should be presented in an orderly manner, established by proof "after due opportunity to be heard" and until such charges were duly proved the members should be allowed to retain their seats as a personal right and as a right due the people who elected them.

Despite the opposition to its action and the developing public sentiment against the continued suppression of civil liberties, the judiciary committee made a report advising expulsion which was adopted by the assembly. The action depriving the socialists of their seats was thus upheld and all five were disqualified from holding office.

Case for Expulsion. Several of the reasons given for expulsion were contained in the original resolution. The socialist members were representative of a party which was in sympathy with Soviet Russia and was affiliated with the Third International, which stood for the overthrow of existing governments by force and violence. It could be deduced from this affiliation with a revolutionary body that the Socialist Party, itself, stood for the destruction of government by violence. Moreover the party advocated the use of the general strike and mass action, which were held to amount to force and violence. It was shown that members of the Socialist Party had to swear allegiance to the constitution and platform of the party, and that not only did the Socialist Party have revolutionary aims, but it had officially denounced the war and urged its members to oppose it. The representatives of such a party must themselves be against the government and inimical to the war just fought for democracy. The Socialist Party was not only opposed to the World War but to any so-called capitalist war. It had systematically refused support to military measures. One provision of its national constitution forbade socialist office holders to vote appropriations for military or naval purposes under threat of expulsion. This provision in itself rendered a socialist unfit to hold office in New York, for it disqualified him from taking

oath to support the state constitution which expressly provided for the maintenance of a militia of not less than 10,000 men. The socialists, to be sure, had taken this oath, but previous experience had shown them to vote against any increase in the appropriations devoted to the militia, to oppose conscripting labor, to stand against military training for boys and against punishment for desecration of the flag. Vague charges were also made that the Socialist Party threatened the family and the church, had been guilty under the Espionage Act of 1917 and 1918, supported conscientious objectors, and had worked for the repeal of the draft.

No individual charges were brought against DeWitt and Orr, two of the expelled assemblymen. Two of the others, Claessens and Waldman, were charged with making "thinly veiled" speeches against the war, speeches just within the bounds of legality but breathing "the spirit of treason and revolution." Claessens was a teacher in the Rand school of New York, reputed for its radical tendencies. Waldman was born in Russia and was a naturalized citizen of the United States. Shortly after naturalization he joined the Anti-Enlistment League, signing a pledge against enlistment as a volunteer in any military or naval service in either defensive or offensive international warfare. Later at a meeting celebrating the second anniversary of the Russian Revolution, Mr. Waldman in the course of an address made the following statements: "We must select between two alternatives: Either Russia lives and conquers the world—not Russia conquers the world, but its ideas and philosophy worthy of the Russian government to-day should conquer the world—either that or the ideas or the philosophy of Gary and Wilson and Palmer, Lloyd George and Clemenceau is to conquer the world. Between the two, for my part, and for the part of thousands of Socialists now battling in America to-day, we choose to stand by the ideas and philosophy and program and principles of Lenin and Trotsky as those we approve." A strange and unsupported story was brought against Solomon by a young girl. This story charged him with insulting the American flag and one of the national anthems. Policemen, said to have been present on the occasion when this occurred, could not recall the incident, but it created a bad impression on members of the assembly who chose to believe it notwithstanding Solomon's denial and the fact that it lacked any corroboration.

Yet the personal accusations against these members were not the factors which caused the first expulsion of the socialists from the assembly. The final summation of evidence clearly stated

that the socialist assemblymen must be judged by the organization to which they belonged. "Their individual acts and declarations," in so far as they had been proved, served "merely to illumine and show in concrete operation, the principles, purposes and program" for which their organization stood and to confirm its seditious purposes.[2] In the words of Mr. Stanchfield, lawyer for the prosecution:

"The whole theory of this investigation rests upon the proposition that the Socialist Party, of which the five members under investigation are confessedly, concededly members, has embarked upon a program that calls for the overthrow of our form of government, some assert by constitutional means, others by violence. Now, assuming that that program is the basic charge under investigation, then my argument runs along this line: That every pamphlet, every declaration, every speech, every statement of every man who is affiliated with or belongs to that party, not necessarily in a technical sense of belonging to it, but everybody who upholds those claims, who supports those principles, who stands upon that platform, is bound by the speeches, the sentiments, the writings, the books, the publications of every other man affiliated with that association, whether they were present at the time when it was made or they were uttered, or whether they were absent." [3]

The right of the assembly to judge its own members is granted in the constitution of the state of New York which makes each house "the judge of the elections, returns and qualifications of its own members." But the constitution also provides that no member of the state shall be disfranchised unless by the law of the land or the judgment of his peers. It declares that aside from the oath of office "no other oath, declaration or test shall be required as a qualification for any office or public trust." The unseating of the socialists disfranchised sixty thousand voters, for their votes were disregarded. Yet if the members whom they elected to office were disqualified under the law of the land then this disfranchisement was legal. The law of the land allows the assembly to judge the qualifications of its own members, but it also provides that no other qualification shall be required for public office other than the oath of office. The judiciary committee contended that the five socialists were members of a party whose disloyalty it had proved, that as members of such a party they were themselves disloyal and so unfitted to take the required

[2] State of New York, "Proceedings of the Judiciary Committee of the Assembly," 1920, III, pp. 2551-2552.

[3] *Ibid.*, I, p. 335.

oath. The opposition to the expulsion claimed that the socialists were eligible to take the oath and had done so. In barring them because of party affiliations and opinions, the assembly had imposed additional qualifications in contravention of the law. It was also claimed that neither law nor precedent could be urged as a basis for expulsion because of affiliation with a party whose ideas were considered objectionable.

Case Against Expulsion. The defense attempted to refute the charges made against the Socialist Party. It claimed that affiliation of the Socialist Party with the Third International of Moscow did not pledge the party to follow out the methods used by the Russians, nor did it mean that the aim desired was a replica of Russian sovietism. Many of the members of the Socialist Party repudiated such an idea. The Socialist Party had always believed in orderly procedure by parliamentary means. Terms such as "mass action," "general strike," and "social revolution" were contained in certain declarations of the Socialist Party, but these did not stand for force and violence. They were carefully defined before the judiciary committee by representative members of the Socialist Party. The socialists admitted that they were bound by party obligations as other party representatives and stated that they would support the platform of their party. But if this platform should come into opposition with the terms of an oath required under the constitution of the state they were to serve, that oath would take precedence. This was their defense to the argument that the socialist constitution denounced war and forbade its members to vote appropriations for war while the state of New York provided for the maintenance of a militia of not under ten thousand men and an office holder must take oath to support this constitution. They explained their votes against appropriations for the troops by showing that they were for additional and in their opinion extravagant increases to the amount appropriated to maintain the troops. Had it been a question of voting for the basic minimum amount, they claimed that they would have given their support to the bill. They would have regarded this as necessary in accordance with their sworn obligation under the state constitution.

The charge that they were supposed to obey the instructions of the executive committee of the Socialist Party and that such committee might be composed of aliens, they answered by showing that in the past ten years no alien had sat upon this committee and with the possible exception of one person none had ever done so. The accusation that a socialist when elected to office must

abide by the instructions of the dues-paying party organization or suffer expulsion from the Socialist Party was shown to be obsolete and to bind no socialist officeholder.

The reasons given for expelling the socialists seem scarcely sufficient grounds for disfranchising thousands of citizens. The action of the assembly must be interpreted in the light of the times which had witnessed widespread curtailment of civil liberty. It must be laid to a misinterpretation of popular sentiment, to a desire to play party politics, and to dislike and fear of the Socialist Party and its principles.

The subsequent action of the assembly was thoroughly inconsistent. In itself it served to vitiate many of the arguments brought forth in justification of the expulsion. It was necessary to fill the places left vacant by the five assemblymen. A special election was called for this purpose and all five were returned with increased majorities. The people thus showed how little they were impressed by the charges made by the assembly. After such charges had been made, after the Socialist Party apparently had been shown to be a seditious body, the return to office of the five disqualified assemblymen, if the argument of the assembly was true, would reflect disloyalty on the body of citizens electing them.

The assembly, compelled to face the issue over again, with little further debate declared DeWitt and Orr eligible for office and again expelled Claessens, Waldman, and Solomon. No personal charges had been brought against DeWitt and Orr. The only accusation made against them was their affiliation with the Socialist Party. In the period between the first expulsion and the special election the Socialist Party had altered its constitution, removing many of the objectionable features. Thus DeWitt and Orr were no longer representative of a seditious party, and as this fact removed the obstacle to their holding office they could have been reinstated had they not refused to take their seats in so "unrepresentative" a body as the New York assembly. Claessens, Waldman, and Solomon were again disqualified on the grounds that they were personally unfit for office. The assembly had made no further investigation of these men, and in the first proceedings it had declared that the exclusion of the socialists was based on their party membership rather than on personal grounds.

That the personal unfitness to hold office was not the reason for the first expulsion and was unjustifiably used in the second is indicated by the attitude of the assembly in later proceedings. Orr and Solomon were again returned to office in the November

election of 1920. When the assembly met, motions for expulsion were introduced but were voted down. According to the chairman of the judiciary committee, they were permitted to retain their seats because the stigma of disloyalty had been "legally removed" by the action of the Socialist Party in amending its constitution. The chairman went on to say:

"This is not a question of personality or of individuality. It was not such a question last year. The learned counsel for the Judiciary Committee at the trial of these men last year filed a brief which stripped the question of their fitness to sit here of all individuality. It is not the individual acts of any of these members which we must judge. The findings of the committee held there were only two propositions that would enable us, as a committee, and you, gentlemen of the Assembly, as a court of last resort, to expel these men. The findings held that these Socialists had subscribed to a Constitution of their party which was inimical to the good of the government, and that they had adopted not a political propaganda but a revolutionary propaganda." [4]

Thus the chairman stated that personal disqualification was not a ground for expulsion. Solomon and his two companions, expelled from the special September session on such grounds, must have been ousted without just cause. Had any individual stigma existed, it was still present in 1921 when Solomon was permitted to retain his seat and in 1922 when Claessens was returned to office and was allowed to sit.

The danger in the action of the assembly lay in the precedent it created for depriving a minority of the right of representation. In the words of one of the assemblymen who opposed the ouster proceedings:

"If we disqualify Socialists from sitting in our legislative branch of the government merely because we abhor their ideas and ideals, our democratic government will not long endure. Ours is a government of law, not of men. Ours is a government where all shades of opinion and notions must be allowed to live. The minority has a place in our government. The majority cannot disenfranchise [disfranchise] the minority, no matter how much in conflict the minority view is, with the prevailing notions of what is or is not loyal, good, proper and desirable." [5]

It might be added that if the majority does disfranchise the minority, then it is closing the door to orderly reform and encouraging a resort to the very methods it deplores.

[4] New York *Times*, April 5, 1921.

[5] "Proceedings of the New York Assembly," 1920, II, p. 2773.

XXVIII

GREAT AMERICAN FOREIGN POLICIES

Three Main Policies

Three principal policies have dominated our relations with other nations, the policy of non-interference in the affairs of European nations, the policy of non-intervention or further colonization by European powers in this hemisphere, and the policy of the open door. Upon the framework of these policies many others have been built. The first two apply particularly to our relations with European and American countries. The policy of the open door urges equal trade and commercial opportunities for all nations and applies particularly to the Far East. With this policy has been combined that of the preservation of the territorial integrity of China.

The policies of non-interference in Europe and non-intervention by outsiders on the American continents together constitute our policy of isolation. They express the desire of a young nation for freedom to pursue its own international development in its own way.

Origin of Policy of Non-interference in European Affairs

During the Revolution, it is true, we sought aid from other countries and made treaties of commerce and alliance with France. These treaties later created difficulties when, established as a nation, we were desirous of holding aloof from the European conflict caused by the French Revolution. But guided by Washington and his advisors we were able to consistently maintain our neutrality. Despite our first need for European alliances, after our independence was won, it was the belief of many of our wisest statesmen that the best course for the United States was to remain clear of the animosities and rivalries of Europe. This belief was well expressed by Washington in his farewell address.

"The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations to have with them as little

political connection as possible. . . . Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. . . . Our detached and distant situation invites and enables us to pursue a different course. . . . Why by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

"It is our true policy to steer clear of permanent alliances with any portion of the foreign world . . ."

Thomas Jefferson reiterated this advice on becoming President at the beginning of the nineteenth century, with the words: "Peace, commerce, and honest friendship with all nations, entangling alliances with none."

Despite these early advices, we found ourselves on the verge of a war with France in 1798 and later in 1812 declared war on Great Britain. Even at this early date, widely separated from Europe by a vast ocean and bound by no compelling political ties, the injuries to our neutral rights and to our trade made actual isolation from the broils of Europe untenable.

While we made no alliances and participated independently in the war, European quarrels of world-wide proportions had successfully entangled us. The treaty of peace in 1815 contained no recognition of the neutral rights which we had fought to secure as essential to the position we hoped to assume in future European conflicts. But after that date for many years we were able to maintain with fair consistency our isolation from European affairs. Early colonial connections were lessening in importance, our own development demanded attention, and our growing strength rendered us less susceptible to European intrigues.

Origin of Policy of Non-intervention or Further Colonization in This Hemisphere by European Nations

The second great policy, non-intervention or further colonization in the Americas by European powers, was a natural corollary to our abstention from interference in Europe. While the former was not as old and had not received the same degree of emphasis, it had been for some time in the minds of our statesmen. Combined, the two principles expressed our complete isolation from Europe and were adopted in the Monroe Doctrine as definite rules of action.

The formulation of the Monroe Doctrine in 1823 was occasioned by the revolt of the Spanish American colonies from Spain. Our sympathies were with the colonies, and we were the first nation to recognize their independence. England also was glad to see them gain their freedom, for she saw in them a field for English enterprise. France, Russia, Prussia, and Austria feared English domination of the colonies and wished to restore them to Spain. England, foreseeing the intervention of these powers united in the Holy Alliance, desired to secure the coöperation of the United States. She suggested a joint protest against any action which might bring about a reconquest of the colonies and a declaration of the equal interests which Great Britain and the United States had in the western hemisphere.

Acceptance of such a proposal would of course necessitate a deviation from our position of isolation. Yet Ex-Presidents Jefferson and Madison and President Monroe all favored the proposition. In his letter to Jefferson on this subject, the President said in part:

"Many important considerations are involved in this proposition. First, shall we entangle ourselves, at all, in European politics and wars, on the side of any powers, against others, presuming that a concert, by agreement, of the kind proposed, may lead to that result? Second, if a case can exist in which a sound maxim may, and ought to be departed from is not the present instance precisely that case?"

Jefferson repeated that our foreign policy should be twofold,—never to entangle ourselves in the broils of Europe, never to suffer Europe to intermeddle with cisatlantic affairs; but he felt that we could profit immeasurably by allying ourselves with Great Britain, who could powerfully aid us in maintaining the sovereignty of this hemisphere. Madison, when consulted, was of the same opinion. John Quincy Adams, Secretary of State, felt that we should make the matter a purely American cause. This course of action Monroe determined to follow. While this episode was responsible for the enunciation of our complete isolation from Europe, it was the aggressive attitude of Russia in attempting to extend the southern boundary of Alaska which prompted the non-colonization provision.

The Monroe Doctrine

The Monroe Doctrine when formulated contained three fundamental principles.

1. A reiteration of our policy of non-interference in the affairs of European nations.
2. A declaration that any attempt to extend the European political system to any portion of this hemisphere would be regarded by the United States as "dangerous to our peace and safety."
3. A prohibition against further colonization by European powers on the American continents.

In other words, the United States expressed its voluntary abstention from interference in Europe, its expectation of a similar attitude on the part of European countries in this hemisphere, and its declaration of the end of the era of American colonization by European powers.

In addition to permitting the United States freedom for self-development and expansion, the doctrine has served to protect the other American states from European aggressions. But with the exception of one short sentence on which little emphasis has ordinarily been placed, the doctrine does not state what attitude we ourselves shall assume toward our sister republics. In this sentence, "the true policy of the United States" is described as leaving "the parties to themselves in the hope that other powers will pursue the same course." Yet this let-alone policy was not probably intended to be a self-denying ordinance or one which would halt the expansion of the United States.

The subsequent course of the United States, especially since the opening of the twentieth century, cannot be defined as a course calculated to "leave the parties to themselves." The rules governing the conduct of this country toward its American neighbors are largely to be found in the additions to or interpretations of the doctrine rather than in the original document. The additions have been made from time to time partly as a result of our determination to prevent the interposition of other powers in the affairs of this hemisphere, partly in accordance with our own desires and ambitions.

Expansion and the Monroe Doctrine

Louisiana and the Floridas. Before the Monroe Doctrine was ever written, the spirit of expansion which in a measure promoted its utterance was in existence. This spirit was the natural result of our growth, opportunities, and surroundings. The desire for commercial reasons to control the mouths of the Mississippi and other rivers running through our territory into the

Gulf of Mexico induced the early purchases of Louisiana and the Floridas. Through a fortunate turn of fate, the whole of the vast territory of Louisiana was sold to us by France when we had hoped only for the control of some port of deposit at the mouth of the Mississippi. Later, after long negotiations with Spain, aggressions on our part, and revolt on the part of her subjects, we succeeded in purchasing the Floridas. This move further secured our control of our lower water routes and of the waters bounding our southern shores.

Oregon. The title to Oregon remained for years a question between the United States and Great Britain. By the treaties of 1818 and 1827, this territory had been left open to settlers of both countries. Determination of the boundary line was deferred until the land in question became more thickly populated. By the early forties, American settlers were entering Oregon in increasing numbers. They demanded government protection in a territory where the British Hudson Bay Company was the only organization offering a semblance of authority. The need for a definite settlement with Great Britain was recognized. President Polk in dealing with this question revived the Monroe Doctrine. In his annual message to Congress, December, 1845, he said, "It should be distinctly announced to the world as our settled policy that no future European colony or dominion shall with our consent be planted or established in any part of the North American continent." His message expressed the popular view, for public opinion in the United States was inclined to claim all of Oregon. The slogan became "fifty-four forty, or fight." The matter was finally compromised on the forty-ninth parallel and a treaty signed in 1846.

First Corollary to Monroe Doctrine. Polk again appealed to the Monroe Doctrine in the case of Yucatan. In 1848 the few non-Indian settlers in Yucatan, fearing the Indians, asked protection and annexation from the United States. President Polk in a special message to Congress stated that while he did not recommend any measure which would lead to "dominion and sovereignty" over Yucatan, the United States, according to its established policy, "could not consent to the transfer of the 'dominion and sovereignty' either to Spain, Great Britain, or any other European power." In other words, we could not countenance with equanimity even the voluntary transfer of an American state to a European power. Many years later in 1870, Grant generalized a principle regarding this matter of transfer which had long been recognized and applied to specific cases.

"Hereafter no territory on this continent shall be regarded as subject to transfer to a European power." This meant even from one European power to another. Actually with one unimportant exception no such transfer has taken place from 1823 to the present time.[1]

Second Corollary and Texas. When President Polk took office he was determined to secure if possible Oregon, Texas, and California. The question of Oregon was compromised with Great Britain, that of the annexation of Texas had already been practically settled by Polk's predecessor, but it led to the Mexican War and the acquisition of California. For several years large numbers of American settlers had been penetrating Texas, then Mexican territory. These newcomers had a tendency to dominate Texan affairs, and the authorities feared a possible revolution. By various means they attempted to check the growing power of the Americans. But the latter revolted successfully and made Texas an independent state. They would gladly have had Texas annexed to the United States had that country been willing. But the fact that Texas was a slave state caused the north to oppose such a step. Factional differences were ultimately set aside when it became obvious that other powers beside the United States were peculiarly interested in Texas. To prevent any possible control of that vast territory by an outside power, annexation was consummated, and Texas became part of the union.

European nations objected to the growing power of the United States. There were rumors of joint action to prevent such growth and to set up a balance of power in this hemisphere. These were answered by President Polk in the annual message of December, 1845, already referred to. He said that a "balance of power" would not be allowed "to have any application on the North American continent, and especially to the United States." The people of this continent had a right to determine their own destiny and should an independent state (in this case Texas) desire to unite with the United States, it was a question for the parties concerned to determine for themselves without outside interference. This country would resist "at any and all hazards" any attempt by the European powers to intervene.

The Mexican War. The annexation of Texas by the United States was most displeasing to the Mexicans. Although Mexico badly needed money, she refused to consider our next bid for expanding our territory. Oregon emigrants had for some time been

[1] Fish, C. R., "American Diplomacy," pp. 334-335.

entering California. Mexico's hold on this territory was slight, and our statesmen argued that if we did not secure control there some other power would do so. President Polk looked upon San Francisco Bay as essential to our development on the Pacific Coast. Through Texas, we also had some claim on the territory to the Rio Grande and part of New Mexico.

Our minister to Mexico was authorized to buy California and New Mexico and to assert the indisputable claim of Texas to the Rio Grande near its mouth. Mexico's refusal to consider these proposals, particularly her denial of the Texan claim, brought on the Mexican War in 1846. By the treaty of peace, the United States acquired Texas to the Rio Grande, New Mexico including Arizona and California. In return we paid Mexico several million dollars and agreed to incorporate the Mexicans in the ceded territory into the United States.

Examples of Attempts by European Powers to Interfere in This Hemisphere in Contravention to the Monroe Doctrine

This was the last important territorial acquisition until after the Civil War. Internal differences revolving about the question of slavery and the right of secession claimed our attention. While the federal government was thus occupied in trying to maintain the union the foreign powers seized upon the opportunity to attempt to extend their influence in the Americas in defiance of the Monroe Doctrine.

Defiance of the Non-colonization Principle. In 1861 Spain maneuvered in such a way that she received a request for annexation from the Dominican Republic which constituted the eastern portion of the island of Santo Domingo. With our hands tied, we could do little more than protest. Recognizing the situation, Spain annexed the republic but by 1865 found the task of maintaining her hold so difficult that she voluntarily withdrew. In 1864, war occurred between Spain and Peru. Peru's independence had never been recognized by Spain, and it was feared that she might use this occasion to reconquer this territory. To forestall such an attempt the United States declared that it could not regard with indifference any move in this direction. After disclaiming any intention at encroachment, Spain occupied the Chincha islands with the expressed intention of merely reimbursing herself for the war by the sale of guano. By this time the Civil

War was at an end, and freed of internal conflict, our attitude became more positive. A threat on our part was sufficient to cause Spain's withdrawal.

Extending Their Political System to This Country. We were placed in a somewhat similar position in regard to the occupation of Mexico in 1861 by France, Spain, and Great Britain. Mexico was constantly in a state of upheaval and revolution. We had considered intervening in behalf of our own citizens, and President Buchanan in 1860, foreseeing the coming interference of other nations, expressed his regret in his presidential message that we had not forestalled such a movement. "We should thus have been relieved from the obligation of resisting, even by force should this become necessary, any attempt by these Governments to deprive our neighboring Republic of portions of her territory—a duty from which we could not shrink without abandoning the traditional and established policy of the American people."

When the occupation actually took place, this nation was involved in civil war and could do little more than watch the development of events. An invitation to coöperate with the other powers was declined in a reply stating the good will of the United States toward Mexico and its disinclination to use forcible measures to secure any claims against her. Our adherence to the Monroe Doctrine was expressed in the same message when we said, the United States is of course "still more disinclined to allied war against Mexico, than to war to be waged against her by themselves alone."

After occupying a number of customs houses and collecting the duties, Great Britain and Spain made an arrangement with the government and withdrew. France, left alone, proceeded to carry out her imperialistic project of a second empire in this hemisphere, an empire which would offset the growing power of the United States. By a series of moves the Austrian archduke, Maximilian, was chosen ruler of Mexico. The United States consistently opposed the French plans but was not in a position to back up these protests by force. At the end of the Civil War, a more decisive stand was taken. Napoleon, in view of threatening European war, could ill afford trouble with the United States. France withdrew and Maximilian, left without support, was soon overthrown by the Mexicans themselves and a republican form of government reëstablished.

Further Colonization by Extending Boundaries. Among the further attempts by the European powers to interject themselves in this hemisphere through colonization, pressure, influence, or

suggestion, through mediation or arbitration, the two Venezuela episodes are outstanding. The first dated back to 1814 and concerned the question of the boundary between Venezuela and British Guiana. Great Britain refused to arbitrate the matter except under conditions which Venezuela felt she could not accept. Several appeals were made by Venezuela for intervention of the United States in her behalf. Finally the discovery of gold in the disputed region brought matters to a climax. The United States recommended that the whole question be submitted to arbitration. Great Britain continued her refusal to arbitrate except within certain limits. In 1895 President Cleveland determined to assume a more positive position. In his opinion, the boundaries of foreign colonies in America had become fixed in accordance with the non-colonization provision of the Monroe Doctrine. They could be determined by judicial procedure and must be so decided lest in a conflict between a strong European power and a weak American nation, the former obtain the advantage and narrow the area of freedom. Olney, Secretary of State, sent a dispatch to Great Britain again requesting full arbitration of the dispute. Any advancement of the British frontier would, he said, be contrary to the Monroe Doctrine. For this reason the refusal of Great Britain to arbitrate would "seriously embarrass" our future relations with her. In this note, he not only prophesied the final extinction of the European colonial possessions of which Great Britain was the largest possessor, but he made a further statement regarding the position of the United States. "To-day," he said, "the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition." The British foreign office replied by denying the validity of the arguments contained in the message and refusing to admit the intervention of the United States. The President then recommended the appointment of a commission of our own to ascertain the facts of the dispute. There was talk of war in both countries over this controversy, but eventually Great Britain yielded and arranged to arbitrate the matter. Her negotiations with us during this period constituted a partial recognition of our peculiar position on this continent and of the Monroe Doctrine.[2] This had already been tacitly acknowledged by Spain and France, defeated in their attempts to take advantage of our Civil War to advance their own interests in the Americas.

Encroachment Through Financial Claims. In 1902, a partial recognition of the Monroe Doctrine was likewise obtained from

[2] Fish, "American Diplomacy," pp. 391-395.

Germany. This occurred in connection with the blockade of the ports of Venezuela by Germany, Great Britain, and Italy in an attempt to compel Venezuela to meet her financial obligations. After the blockade had lasted some time the United States intervened, and the matter was submitted to arbitration. In this instance, Italy and Great Britain were quite willing to arbitrate. Germany proved reluctant and threats were necessary to force her acquiescence. The United States did not deny the right of the blockading powers to secure their just demands, but feared the possible designs of Germany on American territory which would constitute a violation of the Monroe Doctrine.

When this controversy was brewing, Louis M. Drago, Minister of Foreign Affairs in Argentina, advanced a proposition which had already been suggested in different form by his countryman, Calvo. This idea, known as the Drago Doctrine, declared that "the public debt cannot occasion armed intervention nor even the actual occupation of the territory of American nations by a European power." The idea was not accepted by the United States which preferred to protest the blockade on the ground of the Monroe Doctrine. Several years later, 1907, the United States submitted the Drago Doctrine in modified form to the Hague Conference. Modified, the doctrine stated that no country should use force to collect its claims unless arbitration had first been proposed, ignored, or rejected, or the debtor nation had prevented a compromise or refused to obey the arbitral award. The doctrine was accepted in this form by the conference but was ratified by only seventeen of the forty-four powers.

Further Expansion and the Monroe Doctrine

While the Monroe Doctrine was being tested as to its strength to withstand the encroachments of outside powers, it was also being modified to conform to circumstances and our desire for power and expansion. The main acquisitions of our expansionist program have been traced through the Civil War. A rather unexpected addition was made in 1867 when Russia offered to sell us Alaska. Rather unenthusiastically we accepted. Seward, then Secretary of State, an advocate of peaceful expansion, used his influence to forward the purchase which partly confirmed his prophecy of 1860. He stated at that time that he could see Russia and Great Britain building on the Arctic Ocean and in Canada, the outposts of the United States, and he expected that the capital of this country would one day be in the valley of Mexico. He

added, however, that he would not give one human life for all the continent remaining to be annexed.

He was one of a group of ardent expansionists. Heartened by our earlier acquisitions to the south and west these men in the period before and after the Civil War desired further expansion. Their ambitions were directed particularly to the south, encompassing Cuba and even parts of Central America. President Pierce in his inaugural address, 1853, said: "The policy of my Administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation and our position on the globe render the acquisition of certain possessions not within our jurisdiction eminently important for our protection."

The National Democratic Convention in 1856 declared: "That the Democratic Party will expect of the next administration that every proper effort be made to insure our ascendancy in the Gulf of Mexico and to maintain a permanent protection to the great outlets through which are emptied into its waters the products raised out of the soil and the commodities created by the industry of the people of our Western valleys and of the Union at large."

President Buchanan in 1858 announced to the Senate: "It is beyond question the destiny of our race to spread themselves over the continent of North America, and this at no distant day should events be permitted to take their natural course."

President Johnson in his annual message of 1868 said: "Comprehensive national policy would seem to sanction the acquisition and incorporation into our Federal Union of the several adjacent continental and insular communities as speedily as it can be done peacefully, lawfully, and without any violation of national justice, faith, or honor."

Proposals and peaceful attempts to gain control of parts of the desired territory failed at this time. Later, after the majority of people had come to believe that the territorial acquisitions of the United States were complete and the desire for expansion had largely died away, it was revived by the events of the Spanish American War and our emergence as a world power.

The Spanish American War. The Spanish American War in 1898 was brought on by the revolt of the Cubans against Spanish rule. Americans had always felt that Cuba was particularly desirable both for its riches and its strategic position. While we were at first content to see it remain in the hands of Spain, a weak power, our State Department had repeatedly affirmed that the United States would "never consent" to its transfer to another

power. Later, when the expansionist spirit was strong, many Americans felt that our "manifest destiny" would ultimately lead to the possession of the island by the United States.

The rebellion occurring in the nineties was one of a long series of revolts against Spanish rule. American sympathies were with the insurgents. There was the usual feeling of kinship toward the struggle of a people for independence. The influence of naturalized Cubans and of a sympathetic press were also factors in stirring public feeling against Spain. Atrocities committed by the Spanish authorities received full publicity and roused the people to protest against the existence of such conditions in a country so near our borders. American citizens, resident in Cuba, were victims of the existing disorders, and American business was injured. Matters were brought to a climax by the sinking of the American battleship, the *Maine*, sent to Cuban waters to protect American interests. Although attempts were made by both countries to avert war they were unsuccessful. The United States, victorious in the conflict, could demand favorable terms of peace. By the Treaty of Paris, Spain relinquished Cuba to the United States which received it in trust for the Cubans. Porto Rico, Guam in the Ladrones, and the Philippines were also ceded to the United States on the payment of $20,000,000. Through these acquisitions, our control in the Gulf of Mexico was strengthened, and our power was increased in the Pacific where, through the purchase of Alaska, our possessions already stretched outward toward Asia. By 1900, our position was reënforced by the annexation of Hawaii, for some time an object of interest to the United States; the division of Samoa by which we secured Tutuila Island with its fine harbor of Pago-Pago; and the acquisition, through occupation, of the Midway and Wake Islands.

The Spanish American War revealed and increased the spirit of imperialism which seemed to be developing in the United States. For the first time we annexed territory not a part of this continent and heavily populated by an alien race. With the exception of Alaska, all previous annexations had provided for incorporation of the people into the United States. In Alaska all but the uncivilized native tribes were admitted to the full rights of United States citizens. The new acquisitions had the status of colonies. The civil rights and political condition of the inhabitants were left to the determination of Congress.[3]

We also acquired our first protectorate. While we withdrew from Cuba in 1901, according to our declaration, the Cubans were

[3] Fish, "American Diplomacy," p. 421.

not given their full independence. By the Platt amendment between the United States and Cuba, the latter became to all intents and purposes a protectorate of this country. Under the conditions laid down, Cuba was constrained from making any agreement with a foreign power affecting its independence or from permitting any such power to secure a foothold on the island. Cuba agreed to make no debt which could not be properly met by the ordinary revenues of the island. The United States was empowered to intervene in Cuba in the interests of Cuba's independence, the maintenance of stable government, or the fulfillment of the terms of the Treaty of Paris. The United States was permitted to secure such coaling and naval stations as it deemed necessary, and its acts during the occupation of Cuba were validated.

The Panama Episode. Through the Panama episode the United States further increased its control of the Gulf, acquired a new interest in the Caribbean, established a water connection between its Atlantic and Pacific possessions, and added another colony and partial protectorate to its domain.

The Panama episode was the climax of a long series of negotiations leading to the construction of an inter-ocean canal by the United States. The interest of both the United States and Great Britain in such a project and their efforts to obtain a foothold in the Central American countries caused them to negotiate a treaty in 1850. By this convention, known as the Clayton-Bulwer treaty, the United States and Great Britain bound themselves not to exercise any exclusive control over the proposed canal, to build no fortifications commanding it, to guarantee its neutrality and invite other nations to join in maintaining it, and to refrain from attempting to colonize or dominate any states in that region. This treaty, then, asserted that Great Britain had equal interests with the United States in an inter-ocean canal on this continent, and it bound the United States to refrain from seeking exclusive control of any such canal or dominance of the isthmian states. It was attacked on these grounds as a violation of the Monroe Doctrine and was a source of dissatisfaction to this country for many years. Not until 1900, despite our periodic protests, was Great Britain willing to negotiate another agreement more nearly conforming to the spirit of the Monroe Doctrine. In 1902 after some revision, this new convention, known as the Hay-Pauncefote treaty, was ratified by both countries. It expressly abrogated the Clayton-Bulwer treaty and provided for a canal, built, owned, managed, and policed by the United States. To the United States alone was left the obligation of guaranteeing the canal's neutral-

ity. All vessels of commerce and war were to be permitted the use of the canal on terms of entire equality as long as they observed the rules laid down in the treaty. A blockade of the canal or any act of hostility within it was forbidden. The other rules also dealt with the conduct of war vessels using the canal.

While the United States was made owner and protector of the canal, it was constrained by the terms of the treaty from unrestricted use of its possession. The treaty did not expressly forbid the United States to close the canal to its enemies in time of war, but in permitting the use of the canal to all war vessels which obeyed the rules, such a prohibition was implied. Further the limitations on the toll-making power of the United States were clearly brought out in 1912 when an attempt to exempt American coastwise vessels from canal tolls was objected to by Great Britain and finally abandoned as contrary to the rule guaranteeing all vessels equal treatment.

The Hay-Pauncefote treaty, despite its limitations, gave the United States the right to construct an all-American canal. The United States at once proceeded to use its right and acquire the necessary concession. Of the two routes proposed, Nicaragua and Panama, the latter was chosen. An offer was made to Colombia, of which Panama was a part, and to a French company. This company, despite earlier objections of the United States, had started operations on a canal but could not afford to continue them. It was eager to sell, but Colombia refused the terms offered by the United States. Panama was displeased over Colombia's refusal as she considered the project of great importance to her interests. The United States was provoked at what it considered an unreasonable decision calculated to prevent the construction of a waterway which would benefit the world. The result was the bloodless Panama revolution, aided by the French company and indirectly assisted by the United States. President Roosevelt ordered several war vessels to proceed to Panama, and their commanders were instructed to "prevent the landing of any armed force either government or insurgent, with hostile intent at any point within fifty miles of Panama." In this way Colombia was prevented from landing troops to subdue the rebellion; Panama established its independence, which was at once recognized by the United States; and a satisfactory treaty was made regarding a canal. The United States received full sovereignty of a strip of land ten miles wide extending from shore to shore and certain rights of fortification. In return Panama received $10,-

000,000 dollars and an additional $250,000 a year beginning in 1913. This was the same amount which had been refused by Colombia. The United States also guaranteed the integrity of Panama and by the constitution of Panama was given the right to intervene anywhere in the republic to preserve constitutional peace and order.

The course pursued by President Roosevelt in dealing with Colombia and Panama has received a good deal of criticism. An attempt was made to justify it by claiming that the individualism of Colombia should not be permitted to stand in the way of the interests of mankind and by the plea of treaty obligations. It was claimed that the conduct of the United States was in accord with the treaty of 1846 between the United States and Colombia. By this treaty the United States secured a right of way across Panama on equal terms with Colombia and in return guaranteed the neutrality of the route and the sovereignty of Colombia. In preventing any conflict on the isthmus, the United States was keeping the transit open and preserving the neutrality guaranteed, even at the expense of Colombia herself. These arguments do not carry conviction. Certainly Colombia in making the treaty had no intention of signing away her right to enforce order in her own territory. Preventing her from doing this was an act of force in contravention of her sovereignty.[4]

The United States virtually admitted itself in the wrong through its later attempts to propitiate Colombia by money payment. Colombia asked that the controversy be submitted to arbitration. This the United States refused in contradiction to its usual course of supporting the settlement of treaty claims by arbitration. Efforts to adjust this matter were made by Presidents Taft, Wilson, and Harding. Finally in 1922 a treaty was consummated between the two nations granting Colombia $25,000,000 as compensation for the loss of Panama.

President Roosevelt's Corollary to the Monroe Doctrine. Our acquisition of the Panama canal zone and the increasing investments of American business in Central America projected the United States sphere of interest further south. Before the Spanish war, our unrealized desire was to secure control of the Gulf of Mexico. This aim was largely fulfilled when through the war we obtained a hold in Cuba and later built a railroad to Key West, Florida. After the construction of an all-American canal, it became the apparent wish of the government to strengthen our

[4] Bassett, J. S., "A Short History of the United States," pp. 820-821.

control of the Caribbean where we already held strategic points in Panama, Porto Rico, and Cuba. This wish was accelerated by the influence of American business interests.

Central and South America offered rich opportunities for investment and seemed the legitimate field for American capital. Central American countries in particular came to be looked upon almost in a proprietary manner to the exclusion as far as possible of foreign powers. American business was anxious to exploit the resources of these states and to loan them money of which they were always in need. But it desired some assurance that law and order would be maintained.

Added to the pressure of business interests and the need of commanding strategic points to protect the newly constructed canal was the fear of foreign intervention. The greatest danger of such intervention lay in the claims of foreign powers on the weak Caribbean states for debts incurred which they found themselves unable to meet.

For these combined reasons, the idea of police power, popularly known as "the big stick" policy, was added to the Monroe Doctrine by President Roosevelt. In his messages of 1903 and 1904, he emphasized the concern of the United States in the maintenance of the Monroe Doctrine. This had become especially true in view of the construction of the Panama canal. "As a mere matter of self-defense," he said, "we must exercise a close watch over the approaches to this canal, and this means that we must be thoroughly alive to our interests in the Caribbean Sea." Having announced such a policy as the Monroe Doctrine, we are committed to its consequences. "If a nation shows that it knows how to act with reasonable efficiency and decency in social and political matters, if it keeps order and pays its obligations, it need fear no interference from the United States. Chronic wrongdoing, or an impotence which results in a general loosening of the ties of civilized society, may in America, as elsewhere, ultimately require intervention by some civilized nation, and in the Western Hemisphere the adherence of the United States to the Monroe Doctrine may force the United States, however reluctantly, in flagrant cases of such wrongdoing or impotence, to the exercise of an international police power."

The Dominican Republic. Acting under this addition to the Monroe Doctrine, President Roosevelt undertook to put it into practice in the case of the Dominican Republic. As early as 1866 we had shown our first peculiar interest in Dominica when a proposal was made to purchase a naval station there. Nothing

came of this attempt. Later there were some negotiations with the President of the republic looking toward annexation, but this proposition was also without results. The Dominican Republic, like its neighbors, was in a turbulent state most of the time and was heavily in debt. In 1905, under pressure from American and foreign creditors, her government agreed to request the United States to assume control of her finances. In answer to this request, President Roosevelt submitted a treaty to the Senate which placed the United States in control of the Dominican customs. At first the Senate refused to ratify the treaty, but as the President proceeded to carry out its provisions under a modus vivendi, the Senate reluctantly accepted it in 1907 with some changes. The treaty provided for the collection of the Dominican customs under the supervision and protection of the United States. No increase in the debt was to be made without the consent of that country. The treaty gave the United States no control over the rest of the government. Graft and revolution continued to flourish. Finally in 1915 the American Minister presented a note from the State Department asking that the United States be permitted to assume control of the Dominican army and finances, making the republic a protectorate. This request was refused as destructive to Dominican honor and sovereignty. Later, a petty revolt was made the excuse for landing American marines. A military government was set up but withdrawn in 1922. American marines were still stationed on the islands in 1924.

Haiti. Our course of action in the Dominican Republic was practically duplicated in Haiti. Haiti, like Dominica, was heavily in debt and the scene of revolution and graft. By 1914, traders, concessionaires, and creditors of the United States and foreign powers were becoming increasingly insistent on outside control. France and Germany, whose claims exceeded those of the United States, suggested an international control. Germany went so far as to announce that a purely American control would be unacceptable to the German people. The United States firmly refused any joint management. Such an arrangement would be contrary to the Monroe Doctrine. At this juncture, the World War intervened, and the attention of Germany and France was called elsewhere.

In 1915 President Wilson sent a commissioner to Haiti with instructions to persuade Haiti to propose turning over her customs to the United States. This was at first refused. Later, under pressure from the government and American creditors, there was a partial acquiescence on the part of Haiti. With this

foothold and the outbreak of revolutionary disorders, American marines were landed, a president favorable to the United States was set up, some of the customs seized, and a treaty negotiated with the Haitian government. This treaty extended the authority and responsibility of the United States to a point just short of annexation. It provided for a supervision of the Haitian customs similar to that established over the Dominican customs. It made provision for a financial adviser who should be appointed on the nomination of the President of the United States to assist in the settlement of the foreign debt and direct the expenditure of the surplus for the development of the nation's resources. It extended to Haiti the main provisions of the Platt amendment and finally authorized the establishment of a native constabulary under American officers appointed on nomination by the President of the United States.

The occupation of both Haiti and the Dominican Republic have been the subject of much controversy. Persons upholding the action of the government do so on the ground that the occupation has, on the whole, been beneficial. It has prevented revolution, established peace and order, done much toward solving the financial situation, promoted the construction of public works and sanitation, and prevented the intervention of foreign powers.

Those opposing the occupation claim that it violates the Constitution and the Monroe Doctrine, makes the United States an oppressor rather than a protector, is unauthorized by law, and desecrates the ideal of liberty. The native population has objected particularly against the loss of independence, the existence of martial law, the lawless acts of some American marines, the interference with the native government, and the forced loans. These loans made by American bankers at high rates of interest provide the money for carrying out the United States program of reconstruction. They are secured by the customs and effectively strengthen the hold of the creditor on the debtor nation.

Nicaragua. Under Presidents Taft and Wilson, attempts were also made in Nicaragua to gain a financial protectorate over that country. Nicaragua under pressure approved at different times treaties of this nature, but the United States Senate refused to ratify them. American marines were also landed in considerable numbers during a liberal uprising in 1912, and while the majority of these were withdrawn, several hundred were retained as a legation guard.

In 1916 a treaty from which most of the protectorate features were omitted was finally ratified by the United States Senate. By

the terms of this convention, known as the Bryan-Chamorro treaty, the United States secured the exclusive right in perpetuity to construct a canal through Nicaragua, a ninety-nine year lease of the naval base on the Gulf of Fonseca, and the Great Corn and Little Corn Islands as coaling stations. In return for these concessions, the United States agreed to pay $3,000,000, part to be used for the payment of foreign debts and the rest as the two contracting parties should determine. By this transaction, the Nicaraguan government, heavily in debt, its customs mortgaged to American bankers, hoped to find a way out of its financial difficulties. Many Nicaraguans objected to this treaty. Costa Rica, Honduras, and El Salvador had viewed with suspicion the course of the United States in Nicaragua and had protested the treaty when first proposed. Their protests had caused a clause to be inserted providing that nothing in the treaty should affect their existing rights, but this was not entirely satisfactory. Their protests were based on their rights in the San Juan river through which the proposed canal would run and in the Gulf of Fonseca. Salvador and Costa Rica brought suit in the Central American Court established to decide such cases. Their suit was sustained, but Nicaragua refused to appear and paid no attention to the decree.

Virgin Islands and Central American States. By these transactions with Haiti, the Dominican Republic, and Nicaragua the United States considerably strengthened its control in the Caribbean. A further extension of this control was made in 1917 when the Danish West Indies or Virgin Islands were purchased from Denmark. This purchase marked the culmination of several previous attempts to acquire the islands which occupy a position of strategic importance in guarding the approaches to the Panama Canal and which it was feared might fall under the control of some strong European power.

Other important approaches to the Caribbean are found in all the Central American countries. Like Haiti, the Dominican Republic, and Nicaragua, they are heavily in debt and run a similar danger of intervention by the United States. They are in the position of other weak nations. Debts and concessions to capitalists endanger their independence. President Wilson aptly described the situation when he said: "You hear of concessions to foreign capitalists in Latin America. You do not hear of concessions to foreign capitalists in the United States. They are not granted concessions. They are invited to make investments. The work is ours, though they are welcome to invest in it. We do not

ask them to supply the capital and do the work. It is an invitation, not a privilege, and States that are obliged, because their territory does not lie within the main field of modern enterprise and action, to grant concessions, are in this condition, that foreign interests are apt to dominate their domestic affairs, a condition of affairs always dangerous and apt to become intolerable."

Mexico and Further Interpretation of the Monroe Doctrine. Aside from the Central American countries, Mexico offers the greatest opportunity for foreign intervention in the regions of the Gulf and the Caribbean Sea. Contiguous to our territory, stronger and more powerful than the Central American states, Mexico falls within the scope of our Caribbean policy. For many years Mexico was the scene of revolution. But from 1877 to 1911, with the exception of four years, Mexico was under the practical dictatorship of one man, President Porfirio Diaz, and peace and stability seemed more assured. During this period foreign capital, chiefly American, invested heavily in Mexico, and American business men carried on their enterprises there. In 1911 the era of peace ended. The arbitrary power of President Diaz was overthrown, and Mexico became the scene of successive revolutions and rebellions. The United States maintained an attitude of "watchful waiting." It held the contending parties as far as possible to a respect for the lives and property of Americans. President Wilson departed from the usual principle of recognizing de facto governments when he refused to recognize the government of Victoriano Huerta, one of the revolutionary presidents of this period.

This policy of non-recognition some authors have held to be an addition to the Monroe Doctrine. Wilson's purpose has been described as the desire to "use non-recognition as a means of discouraging the establishment of governments in Spanish America that were based on violence, and on violation of the constitution of the country involved and of the laws of morality." Its force rested on the difficulty which such governments would have to obtain loans without the stability insured by United States' recognition. It also presupposed some investigation in the affairs of the country concerned in order to determine whether the facts warranted the pursuance of such a policy.[5] It has not been followed with any degree of consistency.

The refusal to recognize Huerta made him indifferent to American interests in Mexico. In 1914 affairs became so strained that the United States undertook the military occupation of Vera Cruz. Many people expected that war with Mexico and the

[5] Fish, "American Diplomacy," p. 484.

annexation of territory by the United States would follow. President Wilson had already declared, "the United States will never again seek one additional foot of territory by conquest." In pursuance of this pronouncement, no effort was made to take advantage of the opportunity thus presented. When Argentina, Brazil, and Chile, the A B C powers, offered to mediate between Mexico and the United States, their mediation was promptly accepted. After the resignation of General Huerta, the United States recognized his successors, Presidents Carranza and Obregon. Recognition of President Obregon was delayed several years largely because of a provision in the new Mexican Constitution of 1917. This provision was intended to insure to the Mexican people a share in their country's wealth and to protect them from exploitation. Its confiscatory features threatened the interests of American property owners, particularly the oil interests. In 1923 the matter was compromised. The government of President Obregon received recognition. It was agreed that a commission would be appointed to pass on the merits of all claims for damages by citizens of either country, and that a treaty of amity and commerce should be negotiated between the two countries. The Mexican government again reiterated what had already been several times expressed—that the controverted portion of the Constitution of 1917 was not retroactive.

Pan-Americanism

The course of action of the United States in the region of Central America and the Caribbean Sea has not been conducive to the spirit of Pan-Americanism which idealistically we have sought to foster. The Monroe Doctrine, itself, by implication brings out this Pan-American spirit. It expresses the separation of the Americas from Europe and in making this division implies a closer bond between Latin America and the United States than between Latin America and Europe. This bond was strengthened by the struggle for independence common to the Americas and the democratic political system peculiar to both. Even before the Monroe Doctrine was written, Henry Clay in 1820 said: "It is in our power to create a system of which we shall be the center, and in which all South America will act with us. . . . We should become the center of a system which would constitute the rallying point of human freedom against all the despotism of the old world." Most of our statesmen have held to this view. Pan-Americanism to them has meant the leadership of the United

States. On the other hand Latin Americans have not accepted this idea. To them Pan-Americanism has generally meant an association of equals.

Conferences. The first conference of the American nations was suggested by Latin America. The purpose of the conference was to create closer bonds of political and commercial unity between the Americas. One of the proposals dealt with the Monroe Doctrine. The conference was to take into consideration the means of making President Monroe's declaration effective in order that further colonization or interference by European powers in this hemisphere might be frustrated.

United States delegates were sent to this convention but, as considerable opposition had developed in Congress against taking any joint action with the Latin-American states for the maintenance of the Monroe Doctrine, they were instructed that each nation must protect itself. Only a few of the Latin-American countries were present at the conference which met in 1826. The United States delegates were delayed and arrived too late. Altogether the conference could scarcely be termed a success.

For sixty-three years no other Pan-American congress was held although Mexico issued several invitations to such a congress and various groups of Latin-American states held conferences to discuss matters affecting their own interests. In 1881 the spirit of Pan-Americanism was given new life, this time by the United States, represented by James G. Blaine, Secretary of State. Blaine desired to promote peace, coöperation, and commerce between the American nations. Largely because of his efforts, a Pan-American congress was held in 1889. As a result of this congress, the Bureau of the American Republics was founded. This bureau was supported jointly by the countries concerned, was delegated with the task of collecting information, and was located at Washington. Later its name was changed to the Pan-American Union, and its functions were widened to bring it into close cooperation with the Pan-American conferences for which it acted as a permanent committee. These conferences have been held at intervals of several years since the first conference of 1889.[6] They have discussed and made recommendations concerning financial, commercial, social, and political questions. At every conference some attempt has been made to secure agreement concerning the arbitration of practically all differences between the American countries. These attempts have proved unsuccessful. The confer-

[6] The conference of 1826 was known as the Panama Conference. The first Pan-American Conference was held in 1889.

ences can show little concrete achievement, but they have served the purpose of bringing the American nations together in friendly discussion of mutual problems. They have reaped a harvest in other Pan-American projects. Scientific and financial conferences, the Pan-American Federation of Labor, the Pan-American High Commission to secure uniform laws, especially in business, the Pan-American Conference of Women, and the Pan-American Exchange of Professors and Students are some of the results of the Pan-American effort to "get together."

The Fifth Pan-American Conference and the Attempt to Extend the Monroe Doctrine. The fifth Pan-American Conference, called to meet in 1914, was deferred because of the World War and did not meet until March, 1923. In addition to the usual topics of discussion, including trade marks, commercial relations, sanitation, arbitration, etc., proposals were made looking toward disarmament, an American court of justice, and an American league of nations. The actual achievements of the conference, like that of its predecessors, were small. A reorganization of the Pan-American Union on a more democratic basis was effected. The projects for disarmament, a court of justice and universal arbitration were defeated, but a compromise measure was accepted. This provided for the submission of disputes between American states to a fact-finding commission for investigation and report. Other important resolutions were made providing for a study of the problems of women and of labor and of the representation of these groups at the next conference.

The Monroe Doctrine came before the conference in two different proposals. Its non-intervention provisions were stated and amplified in the several propositions put forward as a basis for codifying American international law. These propositions were referred to a Pan-American juridical congress to be held in 1925. The doctrine appeared in a second and more important way in a proposal to establish an American league of nations and continentalize the Monroe Doctrine. Dr. Brum, President of Uruguay, was the chief Latin-American sponsor of this idea proposed by him in 1920. The American countries, he said, should make a declaration similar to the Monroe Doctrine in which they would all bind themselves to intervene in each other's behalf. If, for instance, Uruguay were attacked by an extra-continental power, all the American countries, including the United States, would come to her defense. If the aggressor were the United States, the other American nations would unite to oppose that country. Thus the Monroe Doctrine, now proclaimed as the foreign policy

of the United States alone, "would be changed into a defensive alliance between all the American countries, based on a lofty sentiment of solidarity, with reciprocal obligations and advantages for all of them." In this way all the American nations would be placed "on a footing of perfect moral equality with the United States." [7]

Dr. Brum's proposal has been expressed in different ways by others. It is not in any sense peculiarly a Latin-American idea. Ex-President Roosevelt in 1913-1914 made a somewhat similar proposal when he suggested that each of the strong American States should "become the sponsor and guarantor of the Monroe Doctrine"; and its relations with those of the other guarantors should be on a basis of equality. President Wilson at one time stated "The Monroe Doctrine was proclaimed by the United States on her own authority. It has always been maintained and will always be maintained on her own responsibility." Later he took a different point of view. His ideal had then passed beyond unilateral or even Pan-American agreements and had assumed world-wide dimensions. "Let us have," he said, "a common guarantee that all of us will sign a declaration of political independence and territorial integrity. Let us agree that if any of us, the United States included, violates the political independence or territorial integrity of any of the others, all the others will jump on her." He then went on to show how, by wider application to the nations of the world, this course of conduct could be made the basis of world peace.[8]

The idea of broadening the Monroe Doctrine when proposed by Uruguay at the fifth Pan-American Conference was not acceptable to the United States representative, Mr. Fletcher. While he did not entirely discourage an independent American organization, he strongly opposed any project calculated to continentalize the Monroe Doctrine. Taking the same position earlier assumed by President Wilson, he declared the Monroe Doctrine to be a unilateral national policy of the United States applied at that country's discretion.[9] This attitude expressed the usual position of this country toward the doctrine and was the interpretation given later by Secretary of State Hughes in his attempt to define the doctrine before the American Bar Association, August, 1923.

Other Factors Influencing the Pan-American Ideal. The re-

[7] Thomas, D. Y., "One Hundred Years of the Monroe Doctrine," pp. 389, 419.

[8] *Ibid.*, pp. 375, 417-418.

[9] For account of conference see *ibid.*, pp. 420-429.

fusal of the United States to meet the growing opposition of Latin Americans to a unilateral doctrine and their increasing desire for the establishment of the Monroe Doctrine on a broader basis are some of the factors preventing a closer approach to the Pan-American ideal. The American nations cannot feel on a plane of equality with the United States as long as that nation insists on playing the rôle of big brother whether they wish it or not. Nor can they have the same security which would come from mutual participation in carrying out the provisions of a mutually guaranteed Monroe Doctrine. Whatever our idealistic protestations and definitions of this policy, our acts do not always carry them out. Latin Americans remember the Mexican War and the acquisition of Texas, California, and New Mexico. They have not forgotten the Spanish American War, the taking of Porto Rico and the Philippines, and the establishment of a protectorate over Cuba. They look askance at our advance into the Caribbean, the Panama episode and those of the Dominican Republic, Nicaragua, and Haiti.

On the other hand many of them realize that the Monroe Doctrine, as upheld by the United States, has proved in the past a real protection against European aggressions. It has been a potent factor in giving the American nations a chance for independent development. They realize that the United States might have assumed a far more aggressive attitude. It had the opportunity to annex Cuba but in keeping with its promise withdrew, giving the island its independence under certain conditions. It might have taken advantage of the disturbed situation in Mexico to gain control of that country but instead adopted a policy of "watchful waiting." It accepted the mediation of the A B C republics when it found temporary intervention in Mexico necessary. It stated its intention to withdraw completely from Dominica and Haiti when those countries were capable of standing alone. Some Latin Americans look at the bright side of the United States' conduct and believe the words of her statesmen when they declare "The Monroe Doctrine is not a policy of aggression; it is a policy of self defense." . . . It "does not infringe upon the independence and sovereignty of other American States." Nor does it stand in the way of Pan-American coöperation "in the independence and security of American states." [10]

Other Latin Americans are disposed to disregard these words as mere words. They fail to see any good in the doctrine as

[10] New York *Evening Post*, August 31, 1923. Secretary Hughes' address before the American Bar Association, August 30, 1923.

applied to-day. Their attitude is expressed by Don Marcial Martinez, the "grand old man" of Chile whom Yale University has awarded with the LL.D. In writing of the Monroe Doctrine in *El Mercurio*, 1914, he said in part: "That doctrine has been explained, diversified, distorted, and falsified at the pleasure of idealistic writers and politicians." Monroeism has been made to produce results precisely contrary to those contemplated by President Monroe. The United States now desires to be able to intervene in all the disturbances occurring in this hemisphere. "To this new policy we can give no other name than that of imperialism or hegemony. I should call it Napoleonism." [11]

Closer relations with the Americas are not only contingent on the action of the United States but on racial and cultural ties and trade relations. Central and South America are inhabited by mixed races. Indian, Negro, white, they have a different heritage, ideals, and customs than the people of the United States and speak a different language. They are more closely akin to the French, Spanish, and other Latin races than to the Anglo-Saxon. They are essentially artistic, high tempered, emotional, and more inclined to indolence than the average citizen of this country. The very character of the people renders stable government more difficult to maintain than in the United States, while political disorders furnish a motive for the intervention on our part which Latin Americans fear. Close relations with Latin America depend largely on understanding and friendship. While North and South Americans have a feeling of good will toward each other, the very differences of race and traditions render such understanding difficult. Real friendship demands equality. As long as the United States draws a strict color line, friendship in its true meaning would seem impossible with a people of mixed blood. Racial and cultural ties bind Latin America more closely to Europe than to the United States. At one time the political system peculiar to this continent partly offset these ties. To-day this political bond has weakened, for Europe too is largely democratic. Since the outbreak of the World War, trade relations form another link drawing the Americas together. Before the war both Latin America and the United States found on the whole more satisfactory markets with European nations than with each other. During the World War, this trade was greatly curtailed and commerce between the Americas correspondingly increased. While much of this business has returned to Europe since the resumption of peace, commercial relations between the countries of this hemi-

[11] Thomas, "One Hundred Years of the Monroe Doctrine," pp. 376-378.

sphere seem destined to grow in importance. United States capital is also seeking investments and concessions in the other Americas thereby increasing our interest in them and the temptation to interfere in their affairs.

In addition to the bonds of trade and finance is the common desire of the Americas to remain at peace. The Central American states in their conference at Washington, December, 1922, adopted treaties which if ratified should do much to secure unity and the peaceful settlement of all differences. These treaties provide for the limitation of armies and navies, the establishment of a permament court for settling disputes, and the prohibition of aid by one state in the revolution of another.

This desire for peace has extended to relations of the United States with Canada. The most serious controversies regarding fisheries and boundaries have been settled by arbitration. The line between the two countries, extending for about 5,500 miles, is unfortified. An international joint commission investigates and reports on boundary questions, and peace has been maintained for over 100 years.

The American states have settled by arbitration a wide variety of difficulties which in Europe doubtless would have led to war. The general treaty made at the fifth Pan-American Conference in 1923 for submitting to commissions of inquiry controversies arising between the American republics is another indication of the desire in the Americas to obviate war. While the United States has not consistently followed the practice of forestalling arbitration or mediation by outside powers in controversies arising in this hemisphere, this was one of the ideals of Secretary of State Blaine and one of the ways in which he sought to interpret the Monroe Doctrine. The Hague Tribunal and the World Court have furnished arbitral bodies which are available to the Americas and have largely replaced Blaine's idea which was only intermittently resorted to by his successors. In regard to this point Secretary Hughes in discussing our foreign policies in the light of the Monroe Doctrine on its hundredth anniversary said, "with respect to the Latin-American Republics, it is our policy not only to seek to adjust any differences that may arise in our own intercourse but . . . to extend our good offices to the end that any controversy they may have with each other may be amicably composed."

The Monroe Doctrine is another bond which the Latin Americans desire to make common. In dividing the Americas from Europe, it has impliedly created a Pan-Americanism which cannot

be carried to its logical conclusion unless it is mutually shared by all American nations. By forbidding intervention by European powers in the affairs of this hemisphere, the United States has protected the other Americas. They are now ready to participate in maintaining this protection and would widen it to encompass not only extra-territorial aggressions but aggressions by any American nation as well.

XXIX

GREAT AMERICAN FOREIGN POLICIES

(Continued)

Non-interference in European Affairs

The policy of non-intervention or colonization by European powers in this hemisphere has not alone permitted our expansion and growth. Its combination with the policy of non-interference by the United States in European affairs has completed our isolation and left us free to devote our attention to our own development. This policy, dating from the time of Washington, has been pursued with a fair degree of consistency.

It pledged us to a certain course of conduct in regard to European nations. By the advices of our statesmen and the Monroe Doctrine we were:

1. Not to make permanent or entangling alliances.
2. Not to take part in the wars of European powers unless our rights were "invaded or seriously menaced."
3. Not to interfere with the existing colonies or dependencies of any European power.
4. To consider the de facto government as the legitimate government for us.
5. Not to interfere in the internal concerns of any of the nations of Europe.
6. To cultivate friendly relations with all powers when possible with honor.

Not to Make Permanent or Entangling Alliances. While most of these provisions concerned our relations with Europe, the provision dealing with alliances was broader. Washington warned against permanent alliances not alone with the European nations but with "any portion of the foreign world." In general we have abstained from any alliances with the powers since the early treaty with France in 1778 up to the World War. One of our most serious entanglements grew out of a treaty with Samoa, a group of islands in the Pacific. Our interests in Samoa dated

back to 1839 when a United States captain visited and explored the islands. He negotiated a treaty with the island government by which a coaling station at Pago-Pago was ceded to the United States. The Senate never ratified this treaty. Later a deputation of Samoan chiefs sought annexation to Great Britain. Refused by that country, they made the same request of the United States with a like result. However this government concluded a treaty with the islanders in 1878. The treaty gave the United States the right to establish a coaling and naval supply station at Pago-Pago and in return, the United States agreed to use its good offices in case Samoa should become involved in a dispute with another power. Germany and Great Britain were also much interested in the islands. On several occasions rivalry between the United States and Germany almost brought them to the verge of war. For a time the three powers conducted a joint protectorate to which the natives gave little heed, other than rebelling against the enforcement of its decrees. After this situation had continued for some time, W. Q. Gresham, Secretary of State, speaking of this departure from our traditional policy of avoiding entangling alliances said: "Soberly surveying the history of our relations with Samoa, we well may inquire what we have gained by our departure from our established policy beyond the expenses, the responsibilities, and the entanglements that so far have been its only fruits." [1] Finally, after a particularly trying pass between the United States and Germany, the islands were partitioned, the United States receiving Tutuila.

Not to Take Part in the Wars of European Powers Unless Our Rights Were Invaded. We have taken part in two European wars, the War of 1812 and the World War. While these wars forced us out of our isolation and entangled us in European broils, they did not constitute a real deviation from our policy of non-interference. In both wars our rights were invaded, and we felt compelled to defend them. In both we abstained from alliances although in the World War we were in close coöperation with the Allies.

Not to Interfere with the Existing Colonies or Dependencies of Any European Power. We have observed the provision expressing our abstention from interfering with the existing European colonies with reasonable consistency. The only official deviation from this principle occurred in connection with the Spanish colonies in 1898. As a result of our interest in Cuba and the intolerable conditions so near our own border, we determined the island

[1] Thomas, D. Y., "One Hundred Years of the Monroe Doctrine," p. 178.

should be free. The Spanish American War lost to Spain not only Cuba but Porto Rico and the Philippines as well.

To Consider the De Facto Government as the Legitimate Government for Us. We have in general given recognition to new governments, especially when republican institutions were involved. This has not only been our policy toward Europe but toward other portions of the world as well. Secretary Buchanan, writing to our Minister to France in 1848, said regarding this policy: "In its intercourse with foreign nations the Government of the United States has, from its origin, always recognized *de facto* governments. We recognize the right of all nations to create and reform their own political institutions according to their own will and pleasure. We do not go behind the existing Government to involve ourselves in the question of legitimacy. It is sufficient for us to know that a government exists capable of maintaining itself; and then its recognition inevitably follows on our part."

While this describes in general our policy, there are some outstanding exceptions. President Wilson refused to recognize the government of General Huerta in Mexico with the intention of making non-recognition a means of discouraging revolutionary changes in government in the Americas. Later both Presidents Wilson and Harding withheld recognition from President Obregon mainly because of distasteful features in the Mexican Constitution of 1917.

During the World War, Greece changed her government in accordance with the wishes of the Allies. The new régime was promptly recognized by the United States. When, however, King Constantine was restored after the war by popular vote, neither the Allies nor the United States accorded him recognition. Partly for this reason, he was again forced to abdicate in 1922.

The United States refused to recognize the Soviet government of Russia after that government was firmly established and had controlled Russia for several years. The causes for this refusal were several. The Soviet government was communistic. It confiscated the property of both nationals and foreigners. It repudiated Russian debts and withdrew from the World War. The United States not only refused to recognize this government but, in coöperation with the Allies, furnished troops and money to assist its enemies.

Not to Interfere in the Internal Concerns of Any of the Nations of Europe. Some Humanitarian Activities. While this policy refers primarily to Europe, it has been extended from time to time to embrace non-European countries. In general, our conduct has

accorded rather consistently with the policy. Sometimes we have protested independently or in concert with other powers the crimes and cruelties occurring in foreign countries. This has been especially true in regard to the activities against the Jews which in many instances indirectly affected this country. Sometimes the outrages were perpetrated against naturalized Jewish citizens. Often they caused a forced immigration of Jews to this country. But the United States did not carry its protests into action, and for this reason they scarcely constituted "interference."

We have assumed a more passive attitude towards the cruelties of Turks toward Armenians. Our feeling in this matter is well illustrated by an episode occurring in President Roosevelt's administration. In 1906 Roosevelt received a petition signed by representative men of the foremost European countries. This petition was tendered the President by two Armenian bishops. It asked his intervention to prevent further cruelties to the Armenians. Elihu Root, Secretary of State, answered by expressing the President's sympathy and calling attention to the Treaty of Berlin, signed by the leading European powers. This treaty made provision for protecting oppressed nationalities. The United States had not signed for it was ". . . by the unwritten law of more than a century debarred from sharing in the political aims, interests, or responsibilities of Europe, just as by the equally potential doctrine, now nearly a century old, the European powers are excluded from sharing or interfering in the political concerns of the sovereign states of the Western Hemisphere." Should the President take the initiative and convene a special conference to settle Armenian questions, it would be equally admissible for a European power to take similar action in the Americas. For these reasons, we refused to intervene, even in behalf of fellow Christians.[2]

European Revolutions. At various times we have been tempted to interfere in European affairs through our sympathy with revolting peoples. An outstanding instance of this occurred when Louis Kossuth came to the United States in 1851 to secure help for Hungary in establishing her independence. This incident came after the revolutions of 1848 which had stirred the American people to a lively interest and sympathy with the aims of the revolutionists. Kossuth received an enthusiastic popular reception. Many influential men both in and out of Congress favored American intervention in behalf of Hungary. But the traditional policy was too strong. President Polk had but recently invoked

[2] Thomas, "One Hundred Years of the Monroe Doctrine," pp. 126-127.

the Monroe Doctrine in regard to interference in the Americas. The United States now acted on its other principle—non-interference in Europe.

Conferences. The policy of non-interference in the political and internal concerns of European nations was combined with that of friendship. In the maintenance of this friendship, we have frequently coöperated with the European powers in conferences concerning economic and social questions. We have taken part more reluctantly in conferences involving political questions and our course in this regard has not been consistent. Some examples will make this clear.

In 1823 a possibility arose that we might be invited to attend a congress to settle the controversy between Spain and her colonies. Madison warned Monroe that acceptance to such a gathering "would be a step leading us into a wilderness of politics and a den of conspirators." Later in 1855 we refused to participate in a conference called by Denmark concerning a purely commercial matter. Our Secretary of State felt that although such a conference would discuss matters of import to the United States, it would also be concerned with questions which might involve the balance of power in Europe.[3]

First Moroccan Conference. In 1880 the first Moroccan Conference was held. This conference met to settle certain matters regarding the rights and status of foreign agents and subjects in Morocco. This question had been a source of controversy between the Moroccan government and the powers for some time. Most of the European powers and the United States were represented at the conference. France was particularly anxious to retain certain privileges objectionable to the Moroccan government, as she was seeking to extend her influence in Morocco. The American minister advised the Moroccan agent to cede a point to France. This he did. Other matters were compromised. In thus exercising an active influence in European affairs, the United States deviated from her traditional policy.

The Berlin Conference. The Berlin Conference met in 1884 to determine the conduct and rights of the powers in Africa. The United States sent representatives to the conference. After the general trend of proceedings became known in this country, the people began to question our participation as contrary to the Monroe Doctrine. In the House the Committee on Foreign Affairs after investigation presented a report stating that the action of the United States in taking part in the conference was a "new

[3] Thomas, "One Hundred Years of the Monroe Doctrine," pp. 139-140, 141.

departure from the history and traditions of this government." If allowed to pass without protest it might work a new trend in our foreign policy and create a precedent dangerous to our peace. Several resolutions condemning the deviation from our traditional policy were offered but adjournment by Congress prevented any action.

The United States representatives signed the general act which terminated the Berlin Conference. In the meantime there had been a change of administrations in the United States. President Cleveland in his first annual message transmitted the document to Congress but advised against ratification. In his opinion certain of the provisions would impose on us an alliance whose obligations we were "not in a position to assume." He referred in particular to one provision which enjoined us to assist in maintaining the neutrality of the territory in the Congo where foreign powers were sovereign. The general act did not prove very satisfactory, and it was revised at intervals. Although the United States had not ratified this act, it took part in the revisions and twice ratified the conventions drawn up. The first ratification was accompanied by a reservation intended to protect the United States from any commitment to aid the European powers in maintaining their possessions or protectorates in Africa. The second convention was signed without reservations. The conventions made at the conference held in 1919 were not ratified by the United States. They provided for referring disputes to the arbitral tribunal of the League of Nations, and the United States had not accepted the League.[4]

The Hague Conferences. In 1899 and again in 1907, the United States participated in the two Hague conferences called to establish some acceptable method for settling international disputes and define certain principles to govern land and naval warfare should war break out. The United States accepted the conventions drawn up at these conferences with the following reservation: "Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions."

The Algeciras Conference. The Algeciras Conference was the

[4] Thomas, "One Hundred Years of the Monroe Doctrine," pp. 148-155.

second conference held over affairs in Morocco. As the United States had participated in the first meeting at Madrid in 1880, it took part in the second at Algeciras, 1906. At the first Moroccan Conference, the designs of France in Morocco had been apparent. For some years after this meeting, she was left to pursue her course practically unmolested. Then she met the opposition of Great Britain and Germany. She succeeded in effecting an understanding with Great Britain by which she recognized that power's protectorate in Egypt in return for a free hand in Morocco. Germany was not wholly ignorant of this arrangement. By a clever move she indicated her intention to prevent if possible further French aggressions. France and Germany were on the verge of conflict over the issue, and Morocco took courage to oppose certain demands of the French. At this point, through the influence of Germany, Morocco proposed a conference of the powers. While the American delegates supported the open door in Morocco, they gave the weight of their influence to France and Great Britain rather than to Germany. The open door and the sovereignty of Morocco were nominally proclaimed and certain compromises were effected, but the French maintained their hold in this territory, which later became a French protectorate. The act embodying the proceedings was signed by the American delegates with the reservation that it did not obligate the United States to assume the responsibility of enforcement. It was later ratified by the Senate with the express proviso that our participation in the conference and the adoption of the general act were solely to protect our interests in Morocco and that we did not intend to depart from our traditional policy which forbade "participation by the United States in the settlement of political questions . . . entirely European in their scope."

Conclusion. Evidently American statesmen realized the dangers to our traditional policy in participation in these various European conferences, or they would not have insisted upon express reservations protecting it. Yet in taking part in the meetings, influencing the proceedings, giving our support to certain proposals which ordinarily were of more immediate and vital import to the European powers than to the United States, we were indulging in a quasi-interference. We were willing to attend conferences and aid in drawing up provisions, settling the points at issue, but beyond that we were unwilling to go. We would not pledge the United States to the enforcement of the acts our representatives had helped to formulate.

Participation in Asiatic Affairs and the Monroe Doctrine

While we have, by and large, pursued a policy of non-interference in European affairs, our attitude toward Asia has been one of participation. Reciprocity guides our relations with Europe. We will not interfere in European affairs, and in return European nations will abstain from interference in the Americas. But reciprocity has no connection with our conduct toward Asia. Asiatic powers must not interfere in the Americas, but the United States can and does interfere in Asia.

When the Monroe Doctrine was first formulated, it was directed at Europe, for Europe alone had any interest in the Americas, and from European powers the only danger of interference might be expected. In the middle of the nineteenth century, China and Japan were opened to the world, and later Japan emerged as a world power with ambitions toward expansion. The great possibilities of immigration from Japan and China and the tempting opportunities offered in the Americas constituted a matter of concern to the United States. When it was rumored in 1911 and 1912 that the Japanese were attempting to secure a coaling station in Mexico, Senator Lodge introduced a resolution into the Senate declaring: "That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see, without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes." This resolution was adopted by an overwhelming majority but was not accepted by President Taft. Undoubtedly all the provisions of the Monroe Doctrine relating to non-interference in Europe would now be held to apply with equal force to Asia and other parts of the world. In regard to this matter, Secretary Hughes, in an address before the American Academy of Political and Social Science, November 1922, stated that the Monroe Doctrine was formulated with Europe exclusively in view but to-day it is "equally applicable to all non-American powers."

Origin of the Policies of the Open Door in the Far East and the Territorial Integrity of China. The American policies which apply particularly to Asia are those of the open door and the integrity of China. Both of these policies developed out of the

conflict of our own attitude with the more aggressive conduct of other nations.

About the middle of the nineteenth century the United States and the European nations were interested in opening up China and Japan to commercial relations with foreign powers. This was done by forming treaties with these countries of such a character that they could no longer remain closed to the outside world. But the United States, unlike the other nations, was content with purely friendly trade relations. The other powers early seized their opportunity to obtain footholds on Chinese territory. The United States not only refrained from demanding territorial cessions from China, but did not participate in the grand scramble among the powers to obtain further control of the Chinese domain. This took place after the Chino-Japanese War of 1894 had revealed the weakness of China. In 1898 the United States took the Philippines. With a long Pacific coast line, strategic control of the north Pacific, and island possessions near Asia, our interest and participation in the affairs of that continent increased. In 1899 Secretary Hay took occasion to sound several of the powers on the principle of equal trade opportunities in China or the policy of the open door. In the meantime a movement started in China to oust the foreigners who were encroaching on Chinese independence. The result was the Boxer uprising, attack on the foreign legations, and the slaughter of many foreigners. Secretary Hay feared that this attack might be made the occasion of a general partition of China. To forestall such a move, he communicated with the principal powers involved, stating that the United States desired to "preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire." In other words the United States opposed any division of China and wished to preserve the territorial integrity of that country and the policy of the open door. The peace protocol, signed in 1901 by the powers affected by the Boxer uprising, exacted punishment for the damage done but left Chinese territory intact and gave no special concessions to any power. Thus the two principles laid down by the United States were in this way tacitly acknowledged, while the open door principle had been virtually approved by the six powers replying to Secretary Hay's communication—Great Britain, France, Germany, Russia, Italy, and Japan.

Historical Events Affecting the Policies of Equal Commercial

Opportunity in the Far East and the Integrity of China. However Russia, which had approved Secretary Hay's interpretation of the open door at least provisionally, showed no intention of abiding by its terms. Partly as a result of the Russian attitude, Japan and Great Britain made an alliance by which each agreed under certain conditions to come to the assistance of the other. The United States showed its concern in the Russian forward policy by protesting to the Russian government and receiving assurances which were never carried out. Japan, strengthened by her alliance with Great Britain and more immediately concerned than the other powers, was not satisfied with protests and declared war on Russia in 1904. President Roosevelt was instrumental in concluding peace between the victorious Japanese and the Russians. While Japan's foothold in Korea was made more secure and she obtained certain of the Russian rights in southern Manchuria, the peace treaty did not give her the gains she had hoped for. Nominally both Russia and Japan affirmed the open door policy in China. Actually the open door was endangered by Japanese ambitions.

Her foremost rival checked, Japan was free to pursue more aggressively her forward policy in the Far East. She recognized however that the powers were not ready to acknowledge her special interests in this region or to tolerate a Japanese Monroe Doctrine. For this reason, she was willing to conclude the Root-Takahira agreement with the United States in 1908. In addition to attempting to solve the vexatious question of immigration, this agreement declared that both powers would maintain the status quo in the Far East, would uphold the policy of the open door, respect each other's territorial possessions, and preserve the territorial integrity of China.

At the time this agreement was made Japan had already virtually absorbed Korea and was well advanced in southern Manchuria. Maintaining the status quo might then be interpreted as an acceptance by the United States of Japan's advances in these regions. Certainly the United States took no action when Japan formally annexed Korea in 1910. The way for this move had been carefully prepared and aroused no excitement among the powers. Korea was considered especially desirable by the Japanese, both because of its location on the mainland in close proximity to Japan and the opportunities it offered for immigration.

During President Taft's administration, Japan clearly showed her desire to monopolize Manchuria. A plan for an Anglo-Ameri-

can railway in this region was opposed by both Russia and Japan. Also a proposal of Secretary Knox to establish the neutrality of the railroads by giving all powers equal opportunities, vesting the actual ownership in China, and providing for international control, met with like objections. In the face of this opposition, both plans were finally abandoned. Great Britain, at first acquiescent, would not countenance a project so strongly resisted by her ally.

The outbreak of the World War was of immediate moment to Japan. The principal powers involved had important interests in China. Belligerent operations in the Far East were inevitable. Japan, allied with Great Britain and cognizant that the war would affect her directly through the losses and gains of the powers in China, declared war on Germany, attacked and secured for herself Germany's special sphere of influence on the Shantung Peninsula. Having obtained a foothold in Shantung and desiring to advance her interests while the powers were engaged in war and unable to protest, Japan issued her twenty-one demands on China. These demands threatened the open door and the sovereignty of China. They were protested by the Chinese and after the truth became known were widely disapproved by the outside world. As a result, they were considerably modified after some negotiations but even in their modified form constituted an infringement on the principles of equal trade opportunity and the integrity of China. The United States objected to the demands on these grounds and stated that it could recognize no agreement which threatened these principles and impaired treaty rights and those of the citizens of China.

While the United States made this objection against the demands, it went further in 1917 toward supporting the Japanese position than it had ever gone before. By the Lansing-Ishii agreement the United States recognized that the territorial propinquity of Japan and China, particularly in that locality in which their possessions were contiguous, gave Japan "special interests" in China. Japan in turn declared that while she had "special interests" in China, these interests would not be employed to infringe on the independence or territorial integrity of China or on the policy of the open door. Such protestations after the twenty-one demands sounded hollow to some persons. To others it looked as if the United States had gone far toward recognizing an Asiatic Monroe Doctrine.

The Policies of Non-interference in Europe, the Open Door, and the Sovereignty of China Since the World War

The Fourteen Points, the League of Nations, and the Monroe Doctrine. President Wilson's fourteen points afforded the basis for peace after a war which had involved all the great nations of the world. The majority of the points dealt with European political questions. Yet they were accepted by the European powers and by the people of the United States. No emphasis was placed on the fact that the fourteen points violated the Monroe Doctrine by precipitating the United States into interference in European affairs. Nor was there popular objection to our participation in a peace conference based on these points and called to consider and decide the problems of Europe. The United States and the rest of the world were momentarily carried forward on a wave of idealism. Peace was to be based on the good will and friendship of all nations. War was to end. Small nations were to be assured their independence and protected against the encroachment of strong. Free trade and open dealings were to characterize the contacts of nations. According to President Wilson an idealized Monroe Doctrine, working through a league of nations, was to be extended to the world.

But the wave of idealism passed. The first covenant for a league of nations drawn up at the Paris Conference when submitted to the United States Senate was criticized on the ground that it destroyed the Monroe Doctrine as originally formulated and commonly interpreted. The United States would take part in settling European questions and guaranteeing the peace of Europe, and the European nations would take like action in the Americas. A league would run absolutely counter to Washington's advice and would bind us in a permanent and indissoluble alliance. To meet some of the objections raised in the Senate, President Wilson on his second trip to Paris secured several changes in the League covenant. The Monroe Doctrine was expressly protected by the addition of article XX. "Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace." By accepting this article the powers formally recognized the Monroe Doctrine for the first time, although they had previously acceded it tacit recognition. In addition to this article on the Monroe Doctrine, a way was opened by which any power

in good standing might withdraw from the League on two years' notice. This vitiated the argument that the League constituted a permanent alliance. A few other minor changes were made. The League was still unacceptable to the Senate. Although public opinion in the United States was in favor of some kind of league, the whole question had become involved in politics and had been made a party issue. The fight in the Senate revolved about our traditional policies. Many reservations were offered intended to protect the United States from European entanglements and wars. But the League covenant failed of ratification.

Background of the Washington Conference. While clinging to American traditions, the people were not entirely satisfied that the United States, emerged from "isolation to leadership," should once more return to complete isolation. The chief executive of the United States had been the soul of the League. The desire for peace was strong in the American people. The new republican administration had assumed a compromise position, but there was a promise of coöperation with the powers for peace.

Our relations with Japan in the Far East were far from satisfactory. The United States objected to Japan's forward policy in this region as evidenced by the twenty-one demands, by secret treaties revealed at the peace conference, and by her continued occupation of Siberia. The secret treaties were forced on the Allies in 1917 and accorded to Japan the German islands in the Pacific and German rights in Shantung. Both China and the United States objected to these treaties but to no avail. President Wilson did succeed in minimizing the possible danger which Japan's control of the islands offered to American communications with the Philippines and China. The islands were made mandates of Japan, but it was agreed that they should not be fortified nor should the natives be given military training. In every other way they were to be administered as an integral part of Japanese territory. Japan soon showed a disposition to close the open door in the islands and to deprive the United States of its cable privileges in Yap, one of the group. This was strongly protested by the United States, particularly as President Wilson had made specific reservations concerning Yap which had nevertheless been awarded to Japan. Another point at issue was Japan's occupation of Siberia. She had occupied Siberia with the other powers after the Russian Revolution and had retained her forces there after those of the others had been withdrawn. In addition to these controversial questions, the United States and Great Britain were desirous of replacing the Anglo-Japanese

alliance by some arrangement which would include the United States and would not contain the danger of aligning Great Britain on the side of Japan should war occur between that power and the United States.

The Washington Conference. In such an atmosphere the Washington Conference was called, November, 1921. There were present at this conference the five allied and associated powers, consisting of the United States, Great Britain, France, Italy, and Japan, and four other nations particularly concerned in the problems of the Pacific and the Far East. The main objects of the conference were the settlement of these problems and the limitation of naval armaments.

Policy of the Open Door and Territorial Integrity of China. The results of this conference as they affected our traditional policies were several. In the Far East, the powers pledged themselves to respect the territorial and administrative integrity of China and the policy of the open door. A treaty was made for the regulation of the tariff of China and the creation of a board of reference to investigate and report on questions arising under the treaty. Several agreements were reached looking toward the gradual withdrawal of foreign control over certain functions and their transfer to the control of China. The powers were to file with the Secretariat-General of the conference a list of all their treaties with China and their treaties with other powers relating to China. They were also to record the substance of any contracts their nationals had with China or with her local authorities. In this way a repetition of the twenty-one demands was forestalled. The demands themselves were further modified by the statements and agreements made by Japan at the conference. Japan signed a convention with China promising to withdraw from Shantung, a move long desired by both the United States and China. Japan also agreed under certain conditions to withdraw from Siberia. The cable and radio rights of the United States were insured on the island of Yap, and a satisfactory agreement was reached regarding the other German islands, now mandatories of Japan.

Coöperation with the Powers for Peace. The United States showed its desire for peace and its willingness to coöperate with the other powers by two treaties. The first of these, the five power naval treaty, was signed by the representatives of the United States, Great Britain, France, Italy, and Japan. It provided for a limited and pro rata naval disarmament and for the maintenance of the status quo in regard to fortifications on the

Pacific island possessions of the United States, Great Britain, and Japan. The second treaty forbade the use of poison gas and restricted the use of submarines.

Policy of Non-interference in Europe as it Pertains to Alliances. A possible deviation from the policy of non-interference as it pertains to alliances might be said to exist in the four power treaty. This treaty was signed by the United States, Great Britain, Japan, and France for the "Preservation of the general peace and the maintenance of their rights in relation to their insular possessions and insular dominions" in the Pacific. It superseded the Anglo-Japanese alliance. By its terms the four powers agreed to respect each other's rights in the Pacific region and if any controversy developed which could not be settled by diplomacy to convene jointly in order to adjust the matter. If any of the rights of the contracting parties were threatened by an outside power, they were to "communicate with one another fully and frankly" in order to determine what measures to take either "jointly or separately, to meet the exigencies of the particular situation." This treaty was to remain in force ten years and to continue in force after this period subject to the right of any party to terminate it on twelve months' notice. A separate reservation signed by all the delegates accompanied the treaty. In this reservation the United States agreed that the treaty should apply to the mandated islands but should not be interpreted to imply the assent of the United States to the mandates or to prevent agreements between it and the mandatory powers. The controversies mentioned in the first provision of the treaty were not to embrace those questions recognized in international law as belonging to domestic jurisdiction. After some discussion in the Senate as to whether the home land of Japan was included in the treaty, a further modification was added. This listed the islands guaranteed, and Japan was omitted from the list.

The treaties were presented to the Senate by President Harding with the assurance that they did not commit "the United States or any other power, to any kind of an alliance, entanglement, or involvement." All of them, with the exception of the four power treaty, were ratified with little debate. This treaty aroused considerable argument in the Senate. Many senators feared that it entailed a deviation from our policy of avoiding alliances. It was finally accepted with this reservation: "The United States understands that under the statement in the preamble or under the terms of this treaty there is no commitment to armed force, no alliance, no obligation to join in any defense."

Some people then said that the Senate had followed its usual habit and had taken the life out of the treaty.

Abrogation of the Lansing-Ishii Agreement. There were some doubts as to whether the Lansing-Ishii agreement, long a subject of distaste to the United States, had been canceled by the agreements reached at the Washington Conference. This question was solved by an exchange of notes. The Lansing-Ishii agreement was dropped by mutual consent in 1923 and was replaced by a renewal of the Root-Takahira agreement which does not recognize any "special interest" of Japan in China and declares for the maintenance of the status quo, the open door, and the sovereignty of China.

Some of the Other Conferences Held Since the War. In addition to the Washington Conference, there have been conferences at Genoa and at The Hague since the war. These were called with the intention of seeking a solution for the bad economic situation in Europe, the aftermath of the war. The United States refused to participate in these conferences on the ground that economic problems could not be solved without taking up political questions. To take part in the political concerns of European powers would be violating our policy of non-interference.

In 1922 the Lausanne Conference was held to settle affairs in the Near East where the Nationalist Party of Turkey had been winning back the losses imposed by the Treaty of Sèvres. Again the United States declined full participation. Not having been a party to the war against Turkey or to the armistice, it did not desire to take part in the proceedings or to assume responsibility for any territorial or political adjustments which might be negotiated. However it consented to send "observers," and these "observers" expressed considerable interest in several of the propositions discussed. The United States stood for the policy of the open door. This was in danger of being closed through an agreement of the Allies by which the oil rights in Turkey had been divided to the exclusion of other powers. The stand of the United States was criticized by the Allies who declared that in the case of concessions, the open door policy was impossible as the door was closed as soon as the concession was made. All the United States desired was a chance to enter before the door was shut. Any universal open door policy was not feasible because of the Monroe Doctrine. By preventing the European countries from forcibly intervening to protect their rights in Central and South America and reserving such privilege for itself, the United States had the advantage in these regions. However, the British

representative was willing to give his support to the open door, and the United States was partly successful in its stand on this policy. The United States also gave the weight of its influence to securing the freedom of the Dardanelles. With the European powers it sought with only partial success to obtain some definite protection for oppressed minorities. It also objected in concert with the other nations to the abolition of certain privileges which the powers had secured for their nationals in Turkey but which infringed on the sovereignty of that nation. This matter was finally compromised largely to the satisfaction of Turkey. As a result of the Lausanne Conference, the United States signed a separate treaty of amity and commerce with Turkey on the basis of the points discussed.

Conclusion. The Lausanne Conference is one example of the rather contradictory attitude the United States has assumed toward European affairs since the World War. Attempting to observe traditional policies in the face of changing conditions is not an easy task. President Harding himself wrote, "I do not believe any man can confront the responsibility of a President of the United States and yet adhere to the idea that it is possible for our country to maintain an attitude of isolation and aloofness in the world." The United States refused to limit its own "freedom and independence of action" by joining the League of Nations, but sent representatives to some of the most important social welfare commissions of the League and two of its presidents, Harding and Coolidge, went on record as favoring participation with reservations in the World Court created by the League. The United States at one time refused altogether to participate in economic and financial conferences and at another sent "unofficial" observers to such conferences. It took the initiative in calling a conference of the powers to consider disarmament and the settlement of problems in the Far East and played a semi-part in a European conference for settling affairs in the Near East. While it was unwilling to assume the responsibilities of a mandatory, it desired to secure the commercial benefits to be derived and sought to extend the principle of the open door to the mandated territories. Its possible interest in the affairs of European nations has been extended by the large debts owed to this country by those nations. The question of reparations is closely allied with the question of debts. The United States has shown its concern in this matter and in the more important question of the economic rehabilitation of Europe in several ways. It has maintained an unofficial representative on the reparation

commission. It has taken part in an impartial inquiry of experts which was intended to determine Germany's capacity to pay, to recommend measures for her financial restoration, and indirectly to aid in solving the economic problems of Europe. It has sent "unofficial" observers to the London Conference of 1924, held primarily to consider and act upon the Dawes' plan drawn up by these experts.

In general we have been willing to participate in settling international affairs but have been unwilling to assume the task of enforcing decisions. We have tried to preserve our traditional policy despite changed conditions which have neutralized natural barriers, brought the nations of the world into close touch, made them interdependent, and involved them willingly or unwillingly in the concerns of their neighbors. Yet this situation, if recognized, has not been acknowledged by our statesmen. Secretary Hughes, speaking on American foreign policy before the American Academy of Social and Political Science, November, 1923, mentioned no change in traditional practices to comply with changed conditions. He summarized our policies toward the Far East as:

1. The open door.
2. The maintenance of the integrity of China.
3. Participation and coöperation in this region with the other powers.
4. Since the Washington Conference, limitation of naval armament and of fortifications and naval bases.

He defined our policies toward Europe as:

1. Opposition to alliances.
2. An independence of European affairs.
3. Opposition to discriminations toward our nationals.
4. The open door in mandated territories.
5. Coöperation in the peaceful settlement of disputes which includes the judicial settlement of those questions considered justiciable.
6. Coöperation along humanitarian lines.
7. Coöperation in "international conferences where the conditions are such that they offer an instrumentality for the adjustment of differences and the formulation of useful conventions."
8. Coöperation in the "reëstablishment of sound economic conditions."

This extended coöperation did not, in the opinion of Secretary Hughes, constitute any inconsistency with the Monroe Doctrine nor had our position as a world power affected it. His ninth point

was, therefore, non-interference by European powers in the affairs of this hemisphere. The Monroe Doctrine, he said, "remains an essential policy to be applied wherever an exigency may arise requiring its application. To withdraw it or to weaken it would aid no just interest, support no worthy cause, but would simply invite trouble by removing an established safeguard of the peace of the American continents."

XXX

CAUSES OF WAR

The contact of the United States with other countries and of other countries with each other is like a spider's web. Delicately interwoven, complex, interdependent, the threads are so fragile that any blunder, however slight, may destroy them, jeopardize the whole, and necessitate a painful rebuilding. The consequence of a serious break in foreign relations is war, and war to-day means national disaster, debt, enormous loss of life, moral, intellectual, and economic retardation. To avoid the horrors of warfare, to maintain the spider's web whole and complete, it is necessary to understand the reasons for the breaks and to consider the ways in which they may be avoided.

Relation of United States' Foreign Policies to War. The United States, as we have seen, has pursued three main foreign policies, non-intervention by outside powers in the affairs of this hemisphere, non-interference by the United States in the affairs of Europe, the open door and the integrity of China.

The policy of non-intervention by outside powers in this hemisphere was intended to prevent the establishment of any strong foreign power in Central and South America. In this way the United States hoped to avoid the conditions which prevailed in Europe where approximately equal powers in close proximity were in constant danger of war. Our insistence that European powers refrain from interfering in American affairs has on several occasions brought us into serious difficulty with other nations. Probably the fear of upsetting the fragile balance of power in Europe has been one of the main factors inducing European nations to accede to what they regard as our pretensions in this hemisphere.

The policy of non-interference by the United States in Europe was intended to protect us from the controversies continually arising between European powers. While this policy has undoubtedly kept us out of minor European quarrels, it could not guard us from the consequences of a world war. In both of the great European wars of the nineteenth and twentieth centuries we have played a part. With the advance of science and means

of communication our isolation from Europe is becoming increasingly difficult to maintain. Disturbed conditions in Europe are reflected in the United States, and we are vitally affected by the concerns of the outside world.

The policy of the open door contains the danger of war. The door does not stay open but tends to close, shut by the nation with the strongest foothold in the coveted field of enterprise. The policy is not upheld in practice by all nations. One country maintains its pledge, the others break theirs. In such an event, the first country must fight, permit its commercial interests in the particular territory under consideration to suffer, or itself seize special spheres of influence and discriminate in favor of its nationals.

Imperialism. The course pursued by a nation largely depends on its acceptance or non-acceptance of an imperialistic policy. Present-day finance is seeking foreign fields for investment. These fields are most productive in weak countries where control of the land and its people can be easily obtained through loans and concessions. If a country adopts the idea that the flag follows the investor, it stands ready to back him when necessary. Often he meets the nationals of other countries involved in transactions similar to his own. The resulting rivalry constitutes a source of danger to the home countries, which may involve them in international difficulties carrying the threat of war. Sometimes the nation itself makes the first move and seeks to secure spheres of influence for the activities of its people. In such a case the flag precedes the investor. Often the flag and the investor are so intertwined that it is impossible to untangle them and determine which made the initial move. There are many instances in which an imperialistic policy and the refusal to maintain the open door have jeopardized the interests of peace.

Japan was willing to fight a great war to prevent further encroachments by Russia in southern Manchuria, a territory claimed by Japan as her special sphere of influence. Japan entered the World War partly for the purpose of driving Germany from the Far East and securing the German possessions and concessions in that territory for the Japanese. The threat of France to close the open door in Morocco almost precipitated a conflict with Germany in 1906. The Boer republic resisted the attempt of the English capitalists to obtain the necessary political and industrial control to advance their interests, and the violent subjection of the Boers was necessary before English finance could be satisfied. The Filipinos revolted against the control of the

United States. They demanded their independence when their islands were ceded by Spain to the United States as a spoil of war. The peoples of the Central American countries have resisted some of the acts of the United States. These acts may have advanced the safety of the United States and the business interests of its nationals but have tended to deprive the native inhabitants of their independence. England and Russia were both interested in Persia. To forestall serious controversy, this territory was mapped out between them and each agreed to confine its activities to its own sphere of influence. A similar division was made in Manchuria between Russia and Japan. England was willing to recognize the peculiar interest of France in Morocco if in return France accorded like recognition to England's interests in Egypt.

In general the United States has avoided an imperialistic course. With a vast territory of its own, its temptations have been less than those of some of the other countries. Its policy of non-interference in European affairs has restrained its hand in Europe. Its policy of the open door in the Far East and its pledge to uphold the integrity of China has saved it from many of the questionable ventures in that part of the world carried on by the other powers. In pursuing these policies itself, the United States has been unwilling to do more than protest when other powers have encroached on Chinese territory and threatened to close the open door. Its course in this region has been that of the country which abides by its pledge to keep an open door for the trade and industry of other nations but which will permit the commercial interests of certain of its nationals to suffer rather than involve the great mass of people with no concern in the Far East in war. The United States' policy of non-intervention by European powers in the affairs of this hemisphere has left it with a comparatively free hand in the Americas. It has taken some advantage of its opportunity, especially since the opening of the twentieth century, but in general its policy has been one of self-restraint. Probably this is one of the reasons why the foreign powers have made so little objection to the Monroe Doctrine. Should the United States develop a national imperialistic policy toward its southern neighbors, pursue such a policy consistently, and persist in closing the open door we might expect serious opposition on the part of other nations.

Influence of Munition Makers. As the foreign investor is one of the outstanding figures in the imperialistic policy of nations, so the munition maker influences the military and naval policy. Munition firms constitute a wealthy industry. The manufacture

of arms is to them purely a business proposition. In seeking business, they do not hesitate to sell their goods to their nation's rivals. They work upon the people's emotions, especially on the emotion of fear. By newspaper reports and war scares, they seek to create a public opinion favorable to new and increased armaments. The Mülliner scare of 1909 serves to illustrate how this is done. The Mülliner episode was the work of the armament ring in Great Britain. Mr. Mülliner was the active agent of this ring. In 1906 he started his propaganda by telling the British admiralty that the Germans were preparing to increase greatly their navy. An insidious campaign was carried on until in 1909, Mr. Mülliner gave evidence before the cabinet in support of his information. The reports became public property and resulted in frightening the people, creating a spirit of hatred in Germany and Great Britain, and causing a big increase in the British navy. The evidence submitted had shown that Germany's naval program comprised seventeen new battleships to be constructed by the spring of 1912. Germans denied the report, but it was widely believed in Great Britain until 1912 showed the Germans with only nine.

Obviously it is to the advantage of the munition business to have large armies and navies. Like army and navy officials they may not want war, but their very occupation presupposes the inevitability of war and necessitates constant preparation for it. Increased armaments lead to larger navies and armies among all the powers. No nation dares limit its armaments unless its rivals do likewise. A nation fully armed, with a waiting army, a waiting navy, ultimately finds work for them. Given an inciting motive, the nation prepared is ready to fight. The firing of a single shot brought on the World War for which the nations had been laying the foundation for many years.

Secret Diplomacy. Another cause behind the wars of nations is secret diplomacy. Secret diplomacy places the fate of nations in the hands of a small group of individuals who have little or no personal responsibility for the consequences of their acts. They can mold public opinion by speech and press. They can involve their nations in an endless tangle of secret relationships leading to war. On the judgment of the diplomat the very lives of the people often depend. Yet he is subject to the ordinary human weaknesses. He may be willing to jeopardize the mass of his countrymen solely to increase the power of the nation or to advance the interests of the dominant few. Bismarck, the great German Chancellor, pursued a policy of aggression. He believed

that such a policy would unite the German states. He did not scruple to promote war. The war with France was brought on by a slight change in the phraseology of a telegram which was then published broadcast. Bismarck made the change, sure that it would create the desired friction with France. The incident was sufficient to cause both France and Germany to feel they had been insulted and resulted in a war really desired by neither but forced upon them by an unscrupulous minister.

The World War made very evident the danger of secret diplomacy. Before the war Europe had become an armed camp. On the one hand was the Triple Alliance, Germany, Austria-Hungary, and Italy, bound together by treaties containing secret clauses pledging each to armed support of the other in case of war. On the other hand was the Triple Entente, France, Russia, and England, pledged by secret understandings, conversations between the military experts of the governments. Between these two were the people, ignorant of their country's plans, fearing war, anxious for peace. The murder of an Austrian archduke by a Serbian was the flame which set the world conflagration for which the nations were prepared by their secret negotiations with each other.

Pressure of Population as a Cause of War. Another important factor making for war is overpopulation. Already a disturbing question in some countries, it seems destined at the present rate of increase to play a more important part in the economic causes of war. More than a hundred years ago Malthus prophesied that the human race at the rate it was then increasing would starve or perish by wars, famine, or disease. All of these factors have contributed to lowering the numbers of people. The World War alone caused the destruction of many millions. Colonization, modern industry, easy means of communication and transportation have combined to make it possible to support many more people in a given area than was once thought practicable. But now the world has no great amount of land to populate. We think we know its resources. Science has greatly lowered our death rate. Intelligence and civilization in the more progressive countries is reducing our birth rate. We still have a higher birth rate than death rate throughout the world. Even a small excess means a constantly increasing population spreading fan shaped to vaster expanse.

Many countries feel they have insufficient space for their increasing peoples and must have colonies for the surplus. England, Germany, Italy, and Japan all feel this urge. On the other hand, countries which still have room for more inhabitants are

not always willing to open their doors to all immigrants. This constitutes a source of irritation which might well become serious were there no other place open to the overflow. Japan, seeking a place for her emigrants, finds they are not desired by the countries to which they naturally migrate, the United States, Canada, Australia, and New Zealand. Japan must secure her "place in the sun" at the expense of weak China. Thus one of the reasons for the imperialistic course of Japan in the Far East becomes apparent. Germany before the war wanted new colonies for her surplus people. She was unwilling to have them merge with other nationalities in alien lands. She wished to keep them Germans in little Germanies connected with their fatherland. But England, France, and Russia did not see with German eyes, hence one of the causes for the World War.

Psychological Background for War. Back of the economic, political, and physical causes for war is the psychology of nations composed of individuals. The nation, like the individual, is animated by feelings of fear, hatred, pride, jealousy, and ambition. The guiding force of the nation is the composite thought of the statesmen in power. They are responsible for its acts, yet they are seldom held accountable. Being a composite creature, under the control of changing sets of men, the nation has no strictly fixed policy, no conscience, or honor on which its neighbor can depend. The nation is ruled by no definite body of comprehensive laws; it cannot be detained and punished for wrongdoing; no court regulates its conduct. Superior force alone is the ultimate power before which it bends. The nation should reflect the people. But often the people know nothing of its acts toward neighboring countries. Seldom are they cognizant of the real reasons for war. The people left to themselves will forget the hatreds and jealousies resulting from rivalry and war. The nation cherishes these feelings and hands them down from one group of rulers to another. Neither French nor Germans were ever permitted to forget the war of 1870. After the World War a feeling of fear pervaded France and through France the French people. What did the French fear? They believed Germany would have revenge. Not the German people, but Germany, the nation, who would teach its people to cherish this sentiment. France desired to prevent Germany from recovering her former power. A recovered Germany meant to France, the nation, another war. So France maintained large military forces which she could not afford; so she occupied German territory.

Race Hatred. Nations are divided by another emotion which

is hard to define, race hatred. This emotion is felt by individuals as well as nations. It seems to arise from fear of the unfamiliar, from jealousy, from economic causes. It results in riots, lynchings, and other disorders between individuals within nations. It is a cause of misunderstanding between the larger national bodies. Race hatred seems to be largely dependent on two factors, proximity and numbers. In the United States the northern states with comparatively few Negroes do not understand the feeling of the southern states with a large portion of their population composed of this element. The east cannot appreciate fully the emotions actuating the discriminatory legislation of California against the Japanese.

The race problem has in the past been largely confined to contacts within nations. Increased facilities for transportation, growing populations, and the need for immigration give it a new aspect. The nation wishing to prevent internal disturbances by limiting the immigration of an alien race which cannot be rapidly assimilated comes into contact with the nation whose nationals are barred or discriminated against because of their race. Such a situation combined with the proper economic background offers a menacing cause for war.

Training. A nation in the midst of war is actuated by a mob spirit. This spirit enables it to perform acts and applaud deeds which if committed by private individuals in time of peace would receive rebuke and punishment. The nation inspires its individual members with the same spirit. Persons normally opposed to war support it, believing it to be necessary and righteous. They are inspired to fight for an ideal, excusing the cruelty and barbarism of war as necessary for the greater purpose. A nation is sometimes forced into conflict against its will. Until all of the powers condemn war as totally at variance with Christianity and civilization, any nation may be drawn into an armed conflict in defense of its life and its ideals. But if these were the usual causes of modern warfare, peace would soon prevail. Few wars to-day are fought for these reasons. Ordinarily selfishness, jealousy, desire for power, class ambition, and the problems of the present economic system are behind the modern conflict. Not one but a combination of these factors is necessary to prepare the proper background for war which may then break out at the slightest inciting motive.

The nation is never willing to admit these causes for war. Many pages are devoted to the history of its wars, which are always fought for righteous reasons. Little is said of the horror, greed,

intrigue, and sacrifice, the moral and economic costs of war which turn the pages of civilization back to barbarism. The youth is taught to glorify war, war heroes and martyrs. His instinct of pugnacity is encouraged. Even his sports are struggles in which the victor is applauded. The girl is taught to applaud the male combatant, to honor the soldier as the protector of her country, herself, and her children. Her own instinct of pugnacity has been restrained. She has been taught self-control. Fighting is unladylike. The result of these different ideals and training are apparent in the grown man and woman, even after all possible allowance has been made for a difference in temperament and nature.

To-day a loyal male citizen, no matter what his sentiments, cannot refuse military duty in time of war with impunity. Yet if he knows the war to be imperialistic and unjustifiable he cannot conscientiously fight. No matter what the causes for war he may be subjected to draft, and any refusal to fight brings the stigma of cowardice. Undoubtedly it is the duty of every man to serve his country in time of external and internal conflict, provided he receives in return a frank and honest statement of the causes of the war, is assured that his country will not fight for sordid motives, and provided he knows that every effort is being made to abolish warfare and institute law and compulsory arbitration in its place.

XXXI

MEANS OF PREVENTING WAR

For many years men have been striving to think out some effective and satisfactory means of replacing war by law and justice.

International Law

International law is one of the instruments for peace which has been gradually built up. It is still in its initial stages, for it takes for granted the necessary continuation of war. Many of its provisions deal directly with the conduct of nations in war time. International law can be called the common law of nations. The usages and customs of nations have called it into being. Like the law regulating the contact of individuals within a nation, international law has developed with the growth of civilization to meet the complicated needs of modern international intercourse. But there is an important difference between the law within a nation and the law between nations. The one is backed by force and punishment; the other by public opinion only. Disobedience of law in the one case brings court action, imprisonment, or fine; in the other it may result in public condemnation and subsequent common action, but it is more likely to be overlooked or condoned. International law to be of real value must be supported by a court of international justice which is empowered to punish disobedience to law.

Arbitration

Like international law, international arbitration is one means of substituting peace for war. International arbitration is the agreement of two nations to submit their disagreements to a neutral person or persons acceptable to both. The nations may or may not agree to abide by the decision. Arbitration gives time for anger to pass away. The facts of the dispute are investigated, and this investigation gives both parties a better knowledge of the situation. Arbitration is infinitely less expensive than war.

Its decisions are more just. War accentuates ill feeling and leads to new wars. Arbitration is more likely to promote friendship and trust.

Arbitration has been in existence since before the middle ages. In ancient Greece it was well known. About seventy-five cases settled in this way are recorded. Arbitration was also known in Rome but the desire of the Romans to extend their empire tended to bring it into disuse.[1] During the middle ages arbitration was confined mainly to ecclesiastical disputes. In the seventeenth century arbitration agreements were made between England, France, Holland and other powers. The eighteenth century, an era of aggressive wars, contributed only six cases of arbitration. The nineteenth gave 471 and from 1900 to 1913, there were 150 cases.[2]

Conferences

International conferences are the means by which nations are brought into contact for discussion of topics of mutual interest and concern. The agreements formulated help to develop international law. The conferences also contain great possibilities for future trouble. Harsh terms imposed by victor on conquered, secret understandings between nations, and the intrigues of diplomacy awake feelings of fear, revenge, and jealousy which find their expression in future wars.

Among the great treaties and conferences following war and involving the decision of many controversial matters are the Treaties of Westphalia, 1648, closing the Thirty Years' War; the Treaties of Utrecht, 1714, ending the War of the Spanish Succession; the Congresses of Vienna, 1815, closing the Napoleonic wars; the Congress of Paris, 1856, settling the Crimean War; the Congress of Berlin, 1878, following the Russo-Turkish War; the Paris Conference, and the series of treaties terminating the World War; and the Lausanne Conference, 1922 and 1923. This conference followed the war between Greece and Turkey, an outgrowth of the World War, and considered problems of international import in the Near East.

In addition to these gatherings held after a war to determine the terms of peace are conferences called in time of peace to regulate the conduct of future wars and those meeting in time of peace to consider problems likely to cause war. The first

1 The Commission on Christian Education, "Selected Quotations on Peace and War," pp. 173-174.

2 World Peace Foundation Series, November, 1913, p. 19.

group are war conferences, for they deal with the formulation of more merciful rules for warfare. The second group are peace meetings for they indirectly tend to avert war. The first group contain such gatherings as the Geneva Conventions of 1864 and 1868, the St. Petersburg Convention of 1868, and the Brussels Conference of 1874. In the second group can be placed conferences providing for the peaceful partition of territory and the settlement of questions in regions in which the economic interests of the nations clash. The Berlin Conference of 1884 called to decide controversial matters in the Congo and defining the spheres of influence of the powers and the Algeciras Conference of 1906 dealing with disputed questions in Morocco are examples of this type of conference. Also in the second group of conferences can be placed gatherings treating primarily economic and social problems of world import, carrying the threat of war. The meetings held at Genoa and The Hague in 1922 and at London in 1924, attempting to solve Europe's serious economic problems, the aftermath of the World War, can be placed in this classification. The significance of the first two conferences lies in their purpose rather than in their accomplishments which were negligible.

In addition to the conferences which bring to a close the hostilities of nations, regulate the conduct of warfare, and reach agreements solving for the time being controversial questions are the conferences which strive directly to replace war by peaceful measures. In this category may be grouped the Pan-American conferences, the Hague conferences, the Paris Conference of 1919, and the Washington Conference of 1921.

The Pan-American Conferences. The first Pan-American Conference, meeting to promote peace between American nations, was held in 1889. A large number of topics was discussed, among them the compulsory arbitration of all international disputes not settled by diplomacy. A treaty was adopted which accepted "arbitration as a principle of American international law" for the decision of all controversial questions except those imperiling a nation's independence. None of the treaties drawn up at this conference was ratified by the nations. Its value rests on the evident desire of the American nations to maintain peace in this hemisphere.

The second Pan-American Conference met in 1901. Compulsory arbitration was again made part of the program. While no accord was reached on compulsory arbitration of all differences, several of the states represented signed a treaty agreeing to

arbitrate all disputes not settled by diplomacy and not involving independence or national honor. The United States and sixteen other states agreed to the compulsory arbitration of all pecuniary claims, but this was ratified by only the United States and two others.[3]

The third Pan-American Conference, meeting in 1906, again brought up the question of compulsory arbitration. A recommendation was made to the nations that they instruct their delegates to the next Hague conference to forward the adoption of an arbitration convention which would be so "efficient and definite" as to merit the "support of the civilized world."[4] The time for ratification of the treaty of compulsory arbitration of pecuniary claims was extended to 1912.

The fourth conference, held in 1910, made little further progress on the question of arbitration. The treaty for the arbitration of pecuniary claims had been ratified by only a few states. It was readopted and the time for ratification was again prolonged.

The fifth conference was delayed by the outbreak of the World War and did not meet until March, 1923. The proposals looking toward peace were more comprehensive than had been made at any previous Pan-American conference. Compulsory arbitration, disarmament, the creation of a Pan-American court and a Pan-American league were discussed, but no agreement could be reached on these matters. The delegates adopted the much less pretentious measure which provided for a fact-finding commission in case of international disputes. They also laid plans for the codification of American international law. It can be predicted with a reasonable degree of certainty that the more comprehensive measures for preventing war will continue to have a place in future Pan-American conferences. An American league of nations might well develop out of the Pan-American Union which was created at the conference of 1889 under a different name and which has since expanded its functions so that it has become a permanent link between the American nations for the dissemination of information and the coördination of the conferences.

In addition to the various peace proposals made at these conferences, topics of economic and social import were discussed and progress made in bringing the Americas into closer coöperation on many of the matters considered.

The Pan-American conferences have been accompanied by other

[3] Thomas, D. Y., "One Hundred Years of the Monroe Doctrine," p. 411.
[4] *Ibid.*, p. 412.

American conferences and agreements between individual groups of American states looking toward peace. One of the most comprehensive of these was the conference of the Central American states held in 1922 and 1923. In the agreements reached at this conference provisions were made for a general treaty of peace and amity, for the limitation of armaments, the establishment of a permanent court of justice, and the prohibition of aid by one state in the revolution of another. If these provisions are ratified by the states concerned, they should go far toward establishing permanent peace in Central America.[5]

The Hague Conferences. The First Hague Conference. The first Hague Conference was a conference meeting in time of peace which proposed to regulate the conduct of warfare, to suggest means of obviating war, and to codify international law.

Arbitration and disarmament were the measures suggested for securing peace. No agreement could be reached for the limitation or decrease of armaments, but the conference did resolve that the burden of military charges was very heavy and its reduction advisable. Better results were obtained for the proposition of establishing an arbitral court. A permanent panel of judges, representative of the parties to the conference, was provided and a code of arbitral procedure was drafted. When the states wished to arbitrate a question, the arbitrators were to be chosen from this panel. Provision was made for international commissions of inquiry. They were to be created whenever feasible by disputing nations who could not reconcile their differences by diplomacy. The commissions were intended to assist the disputants in ascertaining the facts of a controversy. The good will of neutral countries offering mediation before or during a war, with or without the request of the contestants, was recognized and defined. Provisions were made for codifying the laws and customs regarding warfare on land. These laws dealt almost wholly with the relations of belligerent countries and the relations which such belligerents bore to non-combatants and the inhabitants of occupied territories. An attempt was made to have the rights of neutrals defined, but it was declared to be outside the scope of the conference. The principles of the Geneva Convention of 1864 which had laid down certain humane rules for military warfare were extended to maritime warfare. The conference also made several important declarations prohibiting the use of certain barbarous implements of warfare.

It seemed that the conference had made several contributions

[5] Ratified by Nicaragua, March 22, 1923.

toward world peace, but it was followed by the usual sordid conduct of nations. Great Britain engaged in a war of conquest in South Africa. France carried on some questionable transactions in Morocco. Russia, the leader of the conference, in her activities in the Far East brought on the war with Japan. Several of the provisions adopted at the Hague were not ratified. Even when accepted, they were in many instances disobeyed. On the other hand there were some good results from the conference. The first case settled by the arbitral tribunal was a dispute between Mexico and the United States over certain church revenues. It was brought to the Hague Court by President Roosevelt in 1902 and was decided in favor of the United States. Germany, France, Great Britain and Japan likewise submitted to the court an international difficulty regarding the leases of European powers in certain settlements of Japan. The Venezuela preferential payment case was decided by that tribunal, and France and Great Britain accepted its interpretation of a declaration by which they had agreed to maintain the independence of Muscat. Great Britain and Russia also made use of a commission of inquiry as suggested by the Hague Conference to help in ascertaining the facts and opening a way for peaceful settlement of the Dogger Bank incident in which English fishing vessels were fired upon by a Russian squadron. The good effects of the Hague Conference were visible not only in the actual cases peaceably settled but in the treaties negotiated between the powers. In 1902 Spain and Mexico made a ten-year agreement providing for compulsory reference to the Hague Court. In 1903 England and France made a five-year treaty to submit to the Hague all questions of a juridicial nature and all those relating to the interpretation of treaties. These agreements were soon followed by many others of a similar nature.

The Second Hague Conference. While no provision had been made for a second Hague conference, it was universally understood that there was to be another. The second meeting was postponed because of the Russo-Japanese War. After the war was over, Russia summoned the second Hague Conference in 1907. Forty-four states were represented, including the Latin-American countries which, with the exception of Mexico, had not been invited to the first conference.

The work of the second conference was more comprehensive than that of the first. The American delegation proposed that a judicial arbitral court holding regular sessions be provided at The Hague. This was to be in addition to the panel of judges

then acting as a permanent court. The conference made a declaration in favor of compulsory arbitration. It agreed to renounce the use of force in the collection of contract debts provided the debtor nation was willing to arbitrate the matter. The resolution of the first Hague Conference advocating the limitation of military expenditures was reaffirmed. It was decided that a declaration of war should proceed hostilities. An international prize court was to be established to which maritime disputes regarding property captured in time of war could be brought. The protection of neutrals was discussed and a few rules formulated to protect their rights in war time. Certain regulations for land and maritime warfare were also drawn up. A third Hague Conference was recommended and the advisability of preparing a program for it urged.

This brief survey shows that many of the measures agreed upon concerned the conduct of nations in time of war. Evidently none of the powers were ready for world peace. True they had proposed the establishment of a judicial court to settle controversies, but they were under no compulsion to bring their cases to it. They had also declared themselves in favor of compulsory arbitration and had decided that it would be advisable to reduce military expenditures, but these were only declarations and no practical means were provided for carrying them out.

Results of the Second Hague Conference. The second Hague Conference was followed by many cases of arbitration and mediation. While the judicial arbitral court provided for was not established the permanent arbitral court consisting of the panel of judges continued to act. The United States and Great Britain arbitrated the North Atlantic coast fisheries case. France and Germany disputed over some French deserters and submitted their difficulties to the Hague. Norway and Sweden disagreed over their maritime frontier and the boundary line was traced by the court. The court had an opportunity to handle several other cases of like importance. While it was not extensively used, it was gradually gaining repute among the powers. The good offices of mediation which had been defined at the first Hague Conference were also employed to avert and end war. In this period, they were tendered by the European powers in the war between Italy and Turkey and in the Turko-Balkan and Inter-Balkan wars. In 1914 when the United States was on the verge of serious difficulties with Mexico—Brazil, Argentine, and Chile successfully mediated the matter.

The second Hague Conference had adopted an arbitration

treaty form for general use. This provided that all differences of a legal nature and those relating to the interpretation of treaties if they could not be settled by diplomacy should be referred to arbitration. The Hague Court was to be kept accessible at all times for the settlement of such disputes. The reference was not to be automatic. Every dispute between the parties to the treaty was to be made the subject of a special agreement. In the United States, Secretary Hay concluded several treaties based on this model with different nations. No provision was made for submitting the special protocols to the Senate which objected to the treaties on this ground and amended them so that no infringement would be made on its treaty-making power. After this action the President refused to go on with the project. Later Secretary Root continued the idea and secured a large number of treaties in the amended form. In 1908 and 1909 such treaties were negotiated with several of the Central and South American countries and with Austria-Hungary, China, Denmark, France, Great Britain, Italy, Japan, the Netherlands, Norway, Portugal, Spain, Sweden, and Switzerland.[6]

In 1913 Secretary Bryan attempted to extend the scope of arbitration still further by adopting the recommendation of the first Hague Conference regarding a postponement of hostilities pending an investigation of facts. Soon a large number of treaties of this character were drawn up with the nations with which the United States was closely associated.[7]

The World War, the League of Nations, and the Permanent Court of International Justice

The World War and the League of Nations. For a time it seemed that the Hague conferences and their influences were to point the way toward world peace. Plans were being made for a third conference when the World War broke out. Attempts to arbitrate the controversy proved futile. President Wilson's later effort to mediate was also rejected. Finally with all the great powers of the world in arms and the central powers on the verge of defeat, an armistice was declared on the basis of President Wilson's fourteen points.

These points called for two moves on the part of the warring nations to establish permanent peace and prevent future wars. Point four demanded that adequate guaranties be given to reduce

[6] Fish, C. R., "American Diplomacy," pp. 474-475.
[7] *Ibid.*

national armaments to the lowest point consistent with domestic safety. Point fourteen declared that "a general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small states alike." The peace treaties negotiated after the Great War contained provision for a league of nations. All the great powers with the exception of the defeated nations, Russia, and the United States became members of the League. By 1924 fifty-four nations had joined the League. The United States, Afghanistan, the Dominican Republic, Ecuador, the Hedjaz, Thibet, Turkey, Mexico, Russia, and Germany were the only nations who were not enrolled as League members.

The League covenant states the purpose of the League to be the promotion of international coöperation and the achievement of international peace and security. The covenant contains measures which are far more comprehensive than any hitherto adopted to promote peace.

Article I states the conditions regulating the admission to and withdrawal from the League. It provides that the original members shall be the thirty-two signatories of the covenant comprising the allied and associated states of the World War and thirteen designated neutral states.[8] By a two-thirds vote of the assembly any self-governing state, dominion, or colony not originally a member may secure membership if it accedes to certain conditions. Any League member may withdraw from the League by giving two years' notice and fulfilling all international and covenant obligations.

Articles II to VII concern the organization of the League. All positions are open equally to men and women. The instrumentalities of the League are an assembly and a council with a permanent secretariat. The assembly consists of representatives of the members of the League. No member may have more than three representatives and only one vote. The assembly meets at stated intervals and at other times when occasion requires.

The council is composed of representatives of the principal allied and associated powers (Great Britain, France, Italy, Japan, and the United States, should it decide to join). Representatives of six other members of the League are also members of the council. They are selected by the assembly. Each member of the League represented on the council can have one vote and

[8] By the opening of 1924 all of these powers with the exception of the United States and Ecuador had become League members.

one representative. Provision is made to increase the membership of the council at the discretion of the council and the approval of the majority of the assembly. The council meets from time to time as occasion requires. Both assembly and council may consider any matter within the sphere of the League or affecting world peace. Unless otherwise especially provided, decisions at any meeting of the assembly or council shall require the agreement of all members of the League represented at the meeting. The seat of the League is established at Geneva but may be changed at any time by the council.

The secretariat is a permanent body located at the seat of the League. The secretary-general acts in that capacity at all meetings of the assembly and council.

Article VIII provides that to maintain peace national armaments must be reduced to the lowest point consistent with national safety, and plans for such reduction shall be formulated by the council and submitted to the governments for consideration. Such plans are to be reconsidered and revised at least every ten years. After these plans are adopted by the governments the limit fixed for armaments shall not be exceeded without the concurrence of the council. The League recognizes the evils attendant on the manufacture of armaments and munitions by private enterprise, and the council is empowered to consider these evils and devise a way to prevent them. The members of the League also agree to "interchange full and frank information as to the scale of their armaments," their warlike programs, and the condition of those industries adaptable to war purposes.

Article IX provides for a permanent commission to advise the council on the question of international disarmament.

Article X pledges the members of the League to protect and to respect as against external aggression the territorial integrity and political independence of all members of the League. The council is given power to decide how this obligation can best be fulfilled.

Article XI declares that any war or threat of war is a matter of grave concern to the League and it shall take whatever measures it deems wise to preserve the peace of nations. In such an emergency the council may be summoned at the expressed wish of any member of the League. It is also the right of any member of the League to bring to its attention any circumstance affecting international relations which threatens to disturb international peace.

Articles XII, XIII, XV deal with the method of settlement of

disputes likely to lead to war and provide for settlement by arbitration or inquiry, publicity, and decision by the council. These methods are subject to certain regulations and modifications.[9]

Article XIV provides for a permanent court of international justice to decide international disputes and serve as an advisory body to the League.

Article XVI provides that any member which resorts to war in disregard of articles twelve, thirteen, and fifteen shall be considered as committing an act of war against all the members of the League who shall at once set up an economic blockade against the offender. If this blockade does not prove effective, recourse to war is provided. The council is empowered to recommend what forces the individual members of the League shall contribute to the combined forces which are to be employed against the covenant-breaking state. The League members pledge themselves in carrying out these provisions to mutually support one another. A member of the League which violates the covenant may be dropped from the League by action of the council.[10]

Article XVII lays down certain measures to be taken in case of disputes between non-members of the League or members of the League and non-members. These measures provide for membership in the League, the application of articles twelve to sixteen to the dispute, inquiry by the council, and in case of a refusal by one or both of the parties to avail themselves of these terms, further action by the council to prevent hostilities.

Articles XVIII, XIX, XX provide for the registration and publication of treaties and international agreements. The acceptance of the League covenant abrogates all agreements inconsistent with its provisions.

Article XXI declares that the covenant does not affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine which aim to secure peace.

Article XXII deals with the control of colonies and territories

[9] In 1921 the assembly voted in favor of adding to the instruments of settlement provided in these articles, judicial settlement. Such settlement would be made by the Permanent Court of International Justice or any tribunal agreed on by the parties to the dispute. This amendment will take effect if ratified in the manner prescribed by the covenant.

[10] The assembly in 1921 adopted an amendment to this article which was submitted to the member states for ratification. This amendment gave the council power to decide whether a breach of the covenant had taken place and gave it the right under certain circumstances to exempt certain states from the enforcement of the economic blockade.

freed from the sovereignty of the states governing them before the war and unable to rule themselves. It provides for the establishment of mandatories under the tutelage of advanced nations.

Article XXIII is concerned with labor conditions, the humane and just treatment of native inhabitants in mandatories, various social problems, the control of trade in arms and ammunitions, freedom of communication and commercial relations, prevention and control of disease.

Article XXIV provides for placing international bureaus and commissions under the direction of the League.

Article XXV provides for coöperation with the Red Cross organizations.

Article XXVI describes the method of amending the League covenant. Amendments take effect when ratified by members of the League whose representatives compose the council and by a majority of the members whose representatives form the assembly. Any member which fails to ratify an amendment thus adopted ceases to be a member of the League.[11]

The Permanent Court of International Justice. The court is in addition to the court of arbitration provided for by the Hague in 1899 and 1907 and to the special tribunals of arbitration to which states are always free to submit their disputes.

Membership of Court. The court consists of eleven judges and four deputy judges and their numbers may be increased to a total of twenty-one if the assembly and council so agree. They are to be elected regardless of nationality from experienced judges in international law or persons possessing qualifications for the highest judicial offices. They are to be chosen by the assembly and by the council, acting independently, from a list of persons nominated by national groups representing the different nations. The election is governed by certain regulations as to the number and nationality of the nominees. The members of the court serve nine years and may be reëlected.

Competence of the Court. The court is open to all League members and to the signatories of the covenant and those states originally invited to become League members. It is open to other states under conditions laid down by the council.

11 An amendment to this provision was accepted by the assembly in 1921 and submitted to the member states for ratification. It makes slight changes in the method of adoption and ratification of amendments. An amendment must be adopted by a three-fourths majority of the assembly and all members of the council represented at the meeting. Twenty-two months is allowed for ratification and if it is not accomplished in that time the amendment is ineffective.

The court has jurisdiction to "decide cases submitted by the parties, certain cases specified in various Treaties and cases between nations which have agreed to compulsory jurisdiction of the Court." It also serves in an advisory capacity to the council and assembly.

The court's decisions are based on international conventions establishing rules expressly recognized. They are made by majority vote. Judgments are final and without appeal. Application for a revision of the decision can be made only when a new fact unknown to the court or the appealing party at the time of judgment is discovered which affects the decision materially. No appeal for revision can be made after ten years have elapsed from the date of decree.

Conclusion. The League expresses President Wilson's idea of the factors necessary to preserve world peace. In an address to the Mexican editors, June 10, 1918, speaking of the American nations he said:

"Let us all have a common guarantee that all of us will sign a declaration of political independence and territorial integrity. Let us agree that if any of us, the United States included, violates the political independence or territorial integrity of any of the others, all the others will jump on her.

"Now, that is the kind of government that will have to be the foundation of the future life of the nations of the world. The whole family of nations will have to guarantee to each nation that no nation shall violate its political independence or territorial integrity. That is the basis,—the only conceivable basis—for the peace of the world . . ."

The League has yet to make use of the forcible weapons at its disposal to preserve peace. It has been instrumental in settling several controversies between nations which carried the possibility of war, but it has done this through the force of public opinion. The League is an instrument which makes this force effective and coherent in international affairs. But public opinion alone, if history offers any criterion, will never end war though it may serve to diminish the frequency of wars. While the League has helped to maintain peace, peace has sometimes been secured at the expense of justice. The nations of the world are as yet unwilling to sacrifice their own particularistic interests for the common good. The absence of the United States from the League has weakened its strength which has been reduced further by the fears and jealousies of its members. It is questionable whether if

a crisis arose the League would have the power to employ its coercive weapons to avert a war which did not vitally concern the states called upon to furnish aid.

Besides its function of making international public opinion articulate, the League brings the representatives of the various nations together for discussion and settlement of world problems. It has established several important health, social, and economic commissions, has been active in humanitarian work, has created the court provided for in the covenant, has published more than five hundred treaties made by its members, and serves as a great bureau of world-wide information.

The Permanent Court of International Justice met for its preliminary session in January, 1922. After two years, the court had handed down eight advisory opinions and had made one judgment. The court will probably come into increasing use to decide those cases which the nations are willing to submit to judicial settlement. It has been mentioned in various treaties as the tribunal to which disputes arising over the interpretation of the treaties shall be referred. The United States in renewing several of its arbitration treaties agreed that if the court should receive the approval of the Senate it should serve as the body before which the arbitration provided for in the treaties should be conducted. There has been considerable agitation to have the United States join the World Court whether it joins the League or not. But many of the arguments brought against the League have also been urged against the court, and the United States has remained aloof.[12]

Disarmament

In addition to a league of nations and an international court of justice, disarmament is essential to the peace of the world. Perhaps the best practical example of the value of disarmament is the Rush-Bagot agreement of 1817 between the United States and Great Britain. This agreement provided for the dismantling of all armed vessels on the Great Lakes, with the exception of one or two vessels to serve as a police force on each of the lakes. It also prohibited the future building of vessels of war. The results of this agreement have been most satisfactory. It was negotiated after the War of 1812 which attained almost the proportions of a civil war between Canada and the United States, so closely connected were they by blood and tradition. Since

[12] February, 1925.

that time the many controversies which have arisen with Canada have been successfully settled by diplomacy or arbitration. The Great Lakes have remained open for peaceful commerce unhampered by war vessels. The time and money which might have been spent for naval forces and fortifications have been more profitably devoted to peaceful purposes.

The desirability of disarmament as a means of attaining world peace has long been evident. As has been pointed out, attempts were made at both of the Hague conferences to arrive at some mutual basis for limiting the expenditures for armaments. But the conferences were only willing to express the wish that the governments examine this question with a view to such limitation. The covenant of the League of Nations in accordance with the fourth of President's Wilson fourteen points makes provision for the limitation of armaments in Article VIII. In compliance with this provision an armaments commission was created. The commission has been active in securing information and formulating proposals for disarmament. But by 1924 no concrete steps had been taken by the nations to carry out its disarmament plans.

The Washington Conference. The greatest progress along this line was made at the Washington Conference of 1921 and 1922 at which the world powers were represented. The treaties made at this conference dealt with disarmament, rules for the conduct of war and protection of neutrals, and the relations of certain of the powers in the region of the Pacific.

The five power naval limitation treaty provided for a pro rata reduction and limitation in the navies of the United States, Great Britain, France, Japan, and Italy. These powers agreed to observe a ten-year naval holiday during which new ships of a certain size should be built for replacement purposes only and to the extent and manner prescribed by the treaty. A special agreement between Great Britain, the United States, and Japan pledged each of them to abstain from further construction of naval bases and fortifications on the islands of the Pacific with certain reservations. It was further provided that if any important changes in the requirements of naval defense should occur during the life of the treaty which materially affected any party to it, that party should call another conference. In any event the United States should arrange for another as soon as possible after the expiration of eight years. If any one of the contracting parties should become party to a war which in its opinion affected the naval defense necessary for its national security it might suspend most of its obligations under the treaty for the period of the war.

In such an event the other parties to the treaty should hold a conference to determine what temporary modifications if any should be made in the treaty as between themselves. If no agreement should be reached any one of the parties might suspend most of its obligations for the period of hostilities. On cessation of war, another conference of the contracting parties should be held to consider what changes if any should be made in the text of the treaty.

The submarine and poison gas treaty between the United States, Great Britain, Japan, Italy, and France was drawn up for the purpose of making the rules adopted by civilized nations for the protection of neutrals and non-combatants at sea in war time more effective and to prevent the use of poison gases and chemicals as weapons of war.

The four power treaty signed by the United States, Great Britain, France, and Japan was intended to replace the Anglo-Japanese treaty and to insure the continuance of peaceful relations in the region of the Pacific. Certain agreements were reached regarding China. They were intended to promote her independence, to protect equal trade opportunities, and to prevent controversies between foreign powers interested in her domain. A satisfactory agreement was reached between the United States and Japan regarding certain disputed matters.

The Washington Conference was unable to accomplish anything toward reducing land armaments partly because of disturbed conditions in Europe, partly because of the attitude of France. The French explained that their position was dependent on the European situation and on the potential danger offered by Germany. Even with that country disarmed and economically prostrated, they felt that the maintenance of a large army and compulsory military service was necessary to the safety of France.

While the naval equipment of the five world powers has been reduced and limited and provision made for future conferences on matters affecting the treaties negotiated, enough equipment has been retained to afford each country comparative security. With no reduction in land forces and a proportionate reduction in naval forces, each country is still equipped to meet any rival. The naval limitation treaty contains no guarantee that peace will be maintained between the five powers or between them and any other powers. Indeed it makes provision to free any of the contracting powers from the major part of the obligations of the treaty in case of hostility. The submarine and poison gas treaty deals with international law for future conflicts and im-

plies the liability of war. The four power treaty provides for a conference between the powers should any disagreement arise over their insular possessions in the Pacific. But the decisions reached are not compulsory and if no agreement can be made the logical outcome is war. Moreover some people feel that despite the Senate's reservation, this treaty involves the United States in an entangling alliance. On the other hand if the four powers most interested in the Pacific had not made such an agreement, it is quite unlikely that they would have accepted any project to reduce naval forces. The very fact that the terms of the treaty provide for a conference in case of controversy ought to prove helpful in preventing hasty action and war.

It may be said of the Washington Conference that it resembled its predecessors in that it was a gathering called in time of peace, acknowledged the probability of future wars by passing measures to regulate their conduct, attempted to define the rights and duties of nations in a controverted area, and to adopt some measures for preventing war. It surpassed its predecessors because it took the first definite step toward the disarmament of the great powers.

Conclusion

The period following the World War has been marked by a series of attempts to bring about improved economic conditions and establish a stable peace. The various conferences and economic commissions are all indicative of efforts in this direction. Unfortunately these attempts lack a genuine determination to abolish warfare. They fail to attack fundamentals and to remove the causes of war.

World peace is as possible of attainment as national peace. Self-control, sacrifice, desire, and compulsion can effectively prevent further wars. One of the first moves toward this end should be a national housecleaning. The nations must solve the economic, political, and social problems that breed discontent and produce revolution and international war. In addition they must be willing to adopt the measures that are essential to world peace. Halfway measures will not suffice. Nations and individuals must be imbued with the determination to go all the way even if this way means radical changes and the replacement of nationalism by internationalism.

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